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# The Voter

MONTHLY UPDATES FROM THE LWVWA

November 6, 2020

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## Are We Truly a Divided Country?

“This is such a divided country.”

Take another look.

Lately, we have somehow been trained to believe we are divided communities embodied in a divided nation. In a postelection gathering of League members across the state, we considered whether we had been inadvertently drinking the Kool-Aid that says “we just can’t get along and we are really divided.”

Let’s stop listening to that mantra and frame our situation differently. What would happen if we focus on what we have in common? Not to be a Pollyanna but to be a careful listener to the feelings and ideas behind the inflammatory words and the code talk.

The divide we hear about may look like tremendous conflict. Conflict is a sign of caring deeply for something. It is also a sign of a lot of diversity. It is a sign that we may have different ways of getting what we value most. Some may want to make rules, some may want to structure a society where the rules are not so important. Conflict is a symptom that many of us are trying to figure out this democracy thing.

We have just had a tremendous engagement of voters—we League members are getting what we have been working for. We also have a lot of different ideas about how things should be done and what should be done.

“The League way” at its best brings ideas and people together and studies them deeply. Then Leaguers dialogue about complex issues and situations until we reach a consensus. This is what we offer to our communities. How to be together until we can resolve situations in a way that people can live with.

The League way is a fearless approach to wicked situations. We know how to find things in others that we can build on. Voting is a beginning, belonging to a community and making democracy work is our next job. The question isn’t “how long have you been here?” but “how long are you going to stay?” We’re here for the long haul.



**By Mary Coltrane, Debates Committee Chair, LWV of Washington**

The LWV of Washington Debates Committee completed its work with the October 12 superintendent of public instruction and lieutenant governor debates, the last two of six general election debates and two primary forums. Additional debates include secretary of state, commissioner of public lands, and treasurer. The Committee worked with *The Spokesman-Review* to organize these debates.

All those who work in Voter Services know that organizing debates and forums is an incredibly consequential and challenging task. I thank the members of this committee who stepped up to take it on: Mike Bell, LWV of the Spokane Area; Shelley Kneip, LWV of Thurston County; Judie Stanton, LWV of Clark County; and Lyz Kurnitz-Thurlow, LWV of Tacoma-Pierce County. We began our work in January, from reviewing League documents on forum ground rules to thank you letters. It was exciting, exhilarating, and frustrating, and worth every bit of effort.

Special thanks go to League stalwarts who helped in so many ways to make our debates program a success. President Lunell Haught tracked many facets of this project and stepped in graciously whenever needed. Lea Galanter, Communications Chair, provided huge assistance to make sure all press releases and other communications, including social media, were professional in appearance and tone. And Administrative Director Amy Peloff jumped in whenever needed to ensure Zoom forums and debates went smoothly and the League's website looked great.

As we all know, the rules changed early on. Finding a venue was off the table, and how to plan for unknowns was the topic. All local Leagues faced similar questions and stepped up beautifully. For the statewide debates, many thanks go to the local Leagues who served as host League and their point persons. They include Helen Thompson, LWV of Bellingham/Whatcom County; Marilyn Perkins and Beverly Johnson-Torelli, LWV of Benton-Franklin Counties; Mike Bell and Sylvia Oliver, LWV of the Spokane Area; Cynthia Stewart, LWV of Tacoma-Pierce County, Shelley Kneip, LWV of Thurston County; and Criss Bardill, LWV of Yakima County.

Not all the debates we planned came to fruition. Unfortunately, one or both candidates declined to participate in our debates for three important races: governor, attorney general, and insurance commissioner. Fortunately, another organization presented one gubernatorial debate. The League asked for more gubernatorial debates and worked hard as well for attorney general and insurance commissioner debates. Unfortunately, they didn't occur.

It's troubling when voters are unable to take stock of those who seek leadership positions. Those of us working to organize debates and forums believe they play a critical role in

—by working to welcome all eligible citizens into the electorate and providing the tools for informed voting decisions. We will continue to ask candidates to step up for these reasons.



## Washington Supreme Court Relies on Argument from the LWVWA in Striking I-976 as Unconstitutional

By Curtis Isacke, McNaul Ebel Nawrot and Helgren, PLLC

On October 15, 2020, the Washington Supreme Court held that Initiative 976—which would have decreased car tab fees and greatly reduced public transportation funding—violated the Washington Constitution. In doing so, the Court expressly adopted the reasoning promoted in an amicus brief filed by the League of Women Voters of Washington (which I authored). The [brief](#), which was submitted in the [Garfield County Transportation Authority v. State of Washington](#) case, is available on the McNaul Ebel website, along with a [blog post](#) about the Supreme Court ruling.

### Background

During the November 2019 election season, the League became concerned that the I-976 ballot title that the initiative proponents selected did not adequately inform voters regarding the contents of the initiative and, therefore, failed to protect voters. Comments received from participants in the League's voter education programs underscored voter confusion on the initiative's content and consequences.

constitutionality of I-976, and the issue was appealed to the Washington Supreme Court. The League then requested, and was granted, permission to provide additional argument to the Court regarding whether the I-976 ballot title had misled voters in violation of the Washington Constitution.

## The Amicus Brief

The League's amicus brief argued that I-976 must be invalidated in its entirety because it violates article II, section 19 of the Washington Constitution, which requires that “no bill shall embrace more than one subject, and that shall be expressed in the title.” Among other things, the brief noted that the phrase “except voter-approved charges” in the I-976 ballot title misleadingly suggested that certain existing county or regional voter-approved taxes and fees on car tabs would be “excepted” from the scope of I-976. In fact, the opposite was true: I-976 repealed all other voter-approved fees and actually repealed certain mechanisms for voters to approve new fees in the future. Accordingly, the amicus brief made the case that the “I-976 ballot title failed to afford the average-informed voter a fair opportunity to evaluate the content and consequences of the initiative” and thereby “undermine[d] the democratic mandate of I-976.”

The Washington Supreme Court agreed that the ballot title violated article II, section 19 of the state Constitution. In an opinion authored by Justice Steven Gonzalez and joined by all but one justice, the Court concluded that “the average informed lay voter would not think that ‘this measure would . . . limit annual motor-vehicle-license fees to \$30, except voter-approved charges’ would mean charges previously approved by voters would be eliminated.” Citing the League’s amicus brief in its ruling, the Court explained:

As the League of Women Voters notes, many voters have voted on [car tab] measures in the past, and “the average-informed voter encountering the phrase ‘except voter-approved charges’ would expect that these earlier votes were the reason for the ‘except’ clause [and] would have no reason to anticipate that I-976 would implicitly repeal their votes while telling them that ‘voter-approved charges’ were ‘except[ed].’

The Court held that I-976 “violates the subject-in-title rule because it is deceptive and misleading.” The Court additionally held that I-976 violated the single-subject rule in the first clause of article II, section 19 of the state Constitution, as was separately argued by other challengers.

The League and its counsel are gratified that their advocacy was useful and persuasive to the Washington Supreme Court. McNaull Ebel’s team was led by partner Curtis Isacke, who is part of McNaull Ebel’s Litigation and Trial Practice Group. Isacke devotes



photo credit: C. Sullivan Collection

## To Those Running for Office: We Thank You!

**By Wende Sanderson, President, LWV of Skagit County**

It all started with an inquiry to our League website in mid-October. “My employer has designated Election Day, November 3, as a work holiday. Do you have election-related volunteer opportunities that I could pursue that day?”

As a vote-by-mail state, Washington doesn’t offer the same volunteer options as other states, where providing rides to or volunteering at polling places might be possible. But the League of Women Voters of Skagit County Board wanted to acknowledge this generous offer.

Like many other Leagues, sometimes people question our commitment to nonpartisanship. Even though we do our best to ensure fair and equal representation in all our voter education and voter services events, it is a constant struggle with some factions in our county. And when a significant number of local candidates (all from the same political party) opted not to respond to the Vote411.org questionnaire, it reminded us that we have work to do to boost our reputation across the political spectrum.

challenging choice to engage as a political candidate. We wanted to acknowledge and give a colorful “pat on the back” to all our local individuals who commit to pursuing a political office.

One of our members, along with the Board’s encouragement, created a fun “Thank You, Candidates” activity as something we could do on or before Election Day. Those who wished to participate received postcard kits that included colorful card stock, postcard postage, a list of the 25 local candidate names and addresses, and some sample ideas for wording that each member could customize with their own wording.

The intent was for all the cards to be postmarked no later than Election Day—well before we knew who won or lost. It was a token of appreciation for their civic commitment and involvement. After all, if there aren’t multiple candidates on the ballot, there’s not much of a choice to make!



## LWVWA Affinity Groups

### Affinity Discussion Groups

Have you connected yet with League members across the state to discuss topics of interest? Five “affinity groups” already exist: Public Banking, Health Care, Webmaster/Communications, Gun Issues, and a Treasurers group. New topics are also being created (see below) and more are welcome. If you would like to join an existing group, or have an idea for a new topic, email [Linda Benson](mailto:Linda.Benson@lwvwa.org).

## Announcing the Responsible Journalism Affinity Group (RJAG)

The news media today—particularly in the form of local newspapers—is being challenged like never before. Since 2004, one in five newspapers has closed, leaving more than 200 counties in the United States—home to more than 3 million people—with no local newspaper.

our democracy? If the League's mission is to empower voters and defend democracy, does this calling mean we as an organization have a role in working to turn the tide?

In January, we'll be launching an affinity group to discuss and ideally consider how we might move forward on this issue. Join League members Judie Stanton, past president of the LWV of Clark County; Beth Erickson, LWVCC member and former *Oregonian* Clark County bureau chief; Sally Carpenter Hale, LWVCC member and former Associated Press Bureau Chief in Philadelphia; Dee Anne Finken, LWVCC Communications Team chair and former journalist and educator; and Washington League President Lunell Haught for a kick-off conversation about this important topic.

If you are interested, please email [Dee Anne Finken](#) so we can gauge participation. Also, consider reviewing the following two documents prior to our first meeting. They may give you a better understanding of the issues we'll be looking at:

["When No News Isn't Good News: What the Decline of Newspapers Means for Government"](#)

["Damaged Newspapers, Damaged Civic Life: How the Gutting of Local Newsrooms Has Led to a Less-Informed Public"](#)

We'll meet first in January via Zoom on a date to be determined.

*Thomas Jefferson was a fierce critic of the newspapers of his day, but our third president was also a great defender of the press. As U.S. minister to France, in fact, Jefferson penned the following to a fellow Virginian: "And were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."*

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## Cultivating Civic Conversations: "Whistling in the Dark"

The Kittitas and Skagit County Leagues are co-sponsoring a second round of Cultivating Civic Conversations (CCC) groups beginning November 9, and there's still room to join. This session is entitled "Whistling in the Dark" and we will be discussing Brad Montague's book *Becoming Better Grownups* and selected [On Being](#) podcasts. For more information, refer to the full article in the [October Voter](#). To sign up or get more information, email [Katherine Murphy](#).



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## League Calendar

2020 is the Centennial of the 19th Amendment, which granted women in the United States the right to vote. It's also the 100th anniversary of the League of Women Voters. Events and celebrations are planned across Washington to mark the occasions. You will find Washington League history and events [here](#). For additional suffrage events across the state see the [Washington Suffrage Centennial website](#).

### November 2020

**Monday, November 16**—Forum with the King County Bar Association on legislative reforms, noon-1:30 p.m. [Registration](#) required.

**Monday, November 16 & Tuesday, November 17**—LWV of Washington Board Meeting, noon-4 p.m. Email [apeloff@lwvwa.org](mailto:apeloff@lwvwa.org) if you would like instructions on how to attend.



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