

# GOVERNMENT

## Summary of League of Women Voters of the United States Positions and Major Action by the Illinois League Under the LWVUS Positions

**Promote an open governmental system that is representative, accountable and responsive; that has a fair and adequate fiscal basis; that protects individual liberties established by the Constitution; that assures opportunities for citizen participation in government decision making; that provides sound agriculture policies; and that preserves public health and safety through gun control measures.**

**REPRESENTATIVE GOVERNMENT:** Promote an open governmental system that is representative, accountable and responsive.

***LWVIL action*** The League of Women Voters of Illinois approved a recommendation from the Issues and Action Committee in late 2003 to assess how well Illinois citizens are represented by the elected officials they send to Springfield. Fitting in with the core mission of *Making Democracy Work*, the **Democracy Project** is designed to strengthen citizen participation and restore public confidence in our state government.

The need for the project became evident in the spring of 2003 when over 250 shell bills were advanced to third reading in the House with little description of substance. On the last two days of session, 26 of those shell bills were used as vehicles for substantial legislation including budget legislation leaving citizens and many legislators without time to have input. In 2004, League members monitored bills, including shell bills, in the General Assembly. Local Leagues conducted legislative interviews in district with their elected officials soliciting a broad range of feedback on shell bills. During the interviews, ways to empower rank and file members throughout the legislative process began to emerge.

The second phase of the project included research done by LWVIL staff. Political science and policy experts in Illinois were interviewed and asked how they viewed the process and if they felt it involved meaningful public input. This input from experts helped the League formulate our survey on legislative process for 2005 legislative interviews. Legislative leaders were interviewed by the Democracy Project Committee. In both sets of interviews some expressed opinions that the current system is running well and others that the system needs improvements.

In the spring of 2005, local League members conducted the annual legislative interviews with their local legislators using the legislative process questionnaire. Additionally, in April, LWVIL held Lobby Day in Springfield where League members acted as an "Observer Corps". These members met with available local legislators and observed the legislative process. Responses from legislative interviews and Lobby Day were collected and summarized.

## **CITIZEN RIGHTS**

**Citizen's Right to Know/Citizen Participation** (1984): Protect the citizen's right to know and facilitate citizen participation in government decision making.

**LWVIL action** Since the adoption of Illinois' Open Meetings Act in 1957 and revisions/ amendments to the act in 1995, LWVIL has supported legislation to strengthen the act and opposed proposals that would weaken it. A LWVIL memo describing changes in the law and copies of a new Guide to the Illinois Open Meetings Act prepared by the Illinois Attorney General were distributed to local Leagues in 1995. Local Leagues have used the act frequently while monitoring their local governments. In 1983, LWVIL supported the Freedom of Information Act and the Open Records Act, which allow citizens, members of civic organizations and the media to have access to documents, records and reports that state and local governments keep on file. In 2004, LWVIL opposed legislation which would have limited the time to sue after receiving notice of denial of appeal of a request for disclosure of documents. The League continues to monitor the implementation of these acts.

**Individual Liberties** (1982): Oppose major threats to basic constitutional rights.

**LWVIL action** In 2000, LWVIL supported a series of legislative initiatives designed to codify in Illinois the Federal Violence Against Women Act. If passed, these initiatives would have provided civil remedies for gender based violence. Additionally, LWVIL supported legislation requiring the Secretary of State to determine the extent of racial profiling in traffic stops. In 2003, LWVIL Convention delegates approved a Will of the Convention calling for LWVUS to work for abolition of the USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism). Many local Leagues held forums to educate members and the public on provisions of the Act. In 2004, League members were asked to support the Security and Freedom Ensure (SAFE) Act that addresses some of the most problematic provisions of the USA PATRIOT Act.

**Public Policy on Reproductive Choices** (1983): Protect the constitutional right of privacy of the individual to make reproductive choices.

**LWVIL action** LWVIL supports measures that protect a woman's access to reproductive health care, including the Freedom of Choice Act, and bills to assure safe entrance to health care facilities. It opposes efforts to require parental consent and notification. In 1999, League opposed legislative efforts to prohibit so-called "partial-birth" abortions and efforts to restrict the use of Medicaid monies to fund abortions. League was successful in persuading the Governor to veto a bill which would have banned payment for medically necessary abortions for women receiving Medicaid health benefits.

## **CONGRESS AND THE PRESIDENCY**

**Congress** (1972, revised 1982): Support responsive legislative processes characterized by accountability, representativeness, decision-making capability and effective performance.

**LWVIL action** No recent action.

**The Presidency** (1976, revised 1982): Promote a dynamic balance of power between the executive and legislative branches within the framework set by the Constitution.

**LWVIL action** No recent action.

## **ELECTION PROCESS**

**Apportionment** (1966, revised 1982): Support apportionment of congressional districts and elected legislative bodies at all levels of government based substantially on population.

**LWVIL action** The League has supported apportionment based on population and a state apportionment process open to the public (see LWVIL State Redistricting position, pg. 46).

**Campaign Finance** (1974, revised 1982): Improve methods of financing political campaigns in order to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and promote citizen participation in the political process.

**LWVIL action** The League has supported public financing of campaigns for all state offices, and campaign finance and government ethics reforms in Illinois. In 1995, the League joined the Task Force on Campaign Finance Reform in Illinois, a project of Illinois Issues and the Institute for Public Affairs, to research and promote public discussion of the role of money in politics. The final report of the project, Tainted Democracy: How Money Distorts the Election Process In Illinois and What Must Be Done to Reform the Campaign Finance System, was published in January of 1997. Subsequently the LWVIL Education Fund received a grant from the Joyce Foundation to study the feasibility of building a statewide coalition to conduct educational outreach on the issue. The study resulted in a two-year grant to the Education Fund from the Joyce Foundation beginning in September 1997, to build a statewide organization, the Illinois Campaign for Political Reform (ICPR), to promote public understanding, support, and advocacy for reform of the campaign finance system in Illinois. This grant was renewed in the fall of 1999 for two years. In the spring of 2001, ICPR began the process of spinning off as a separate not-for-profit entity.

In April of 1998, the LWVIL Education Fund received a \$19,285 one-year grant from the LWVUS to create a statewide public dialogue about campaign finance reform.

In the 1998 spring legislative session, the General Assembly passed ethics and campaign finance reform legislation know as the Gift Ban Act (P.A. 90-0737). The League was generally supportive of the measure as a first step in reforming campaign finance in Illinois. A bill was introduced late in the November 1999 veto session to overturn the mandatory electronic filing component of the 1998 Act. Pressure was exerted through press contacts and advocacy on the part of local League members and the bill was shelved. In August of 2000, a lower state court judge ruled the State Gift Ban unconstitutional because it prohibited gifts above a "nominal" value. The Illinois Supreme Court upheld the Act in May 2002.

In the spring of 1999, the statewide LWVIL Campaign Finance Reform Committee initiated a contributions limits bill. The bill passed the Illinois House Election and Campaign Reform Committee with a bipartisan vote, but died in the House Rules Committee. During the 2000 session the LWVIL Committee worked to forward legislation focused on public funding, a statewide voter guide and the elimination of direct corporate and union contributions.

In 2001, local Leagues circulated petitions calling for ethics reform legislation. The LWVIL participated on the Illinois Voters Guide task force that presented its final report in 2001. The League also initiated a second contribution limits bill. Working with the Campaign Finance Reform Coalition (CFRC), League supported legislation to ban gambling contributions to campaigns, reinstate ethics legislation and promote a statewide voters guide for constitutional officers.

In 2002, the League and the CFRC distributed petitions supporting ethics and asked candidates for state constitutional office and the state legislature to sign an ethics pledge. In addition, the League and CFRC worked for approval of legislation (P.A. 92-0853) which barred government officials from soliciting campaign contributions from people or businesses they regulate, license, or inspect, and set a \$100 a year limit on gifts from lobbyists to elected officials.

In 2003, LWVIL and CFRC supported legislation to prohibit political activity by state employees on state time, create ethics commissions with enforcement powers for both the legislative and executive branches, and increase disclosure requirements for special interest groups that buy broadcast time, among other reforms. In the fall 2003 veto session, a comprehensive ethics package passed (P.A. 93-065). Local League members lobbied their legislators and LWVIL participated in a Springfield press conference along with other Campaign Finance Reform Coalition members.

After reviewing the League position on the merit selection of judges (see Constitution Implementation and Amendments, pg. 11), the delegates to the 2003 LWVIL Convention adopted a position allowing the League to advocate for the public financing of judicial elections which constitutes an opportunity to limit the size and type of campaign contributions as a means of combating undue influence in the election process.

In 2007, LWVIL supported Pay to Play legislation which finally became law in late 2008 after the General Assembly overrode the Governor's veto. The law (P.A. 95-0971) prohibits contributions from business owners to the elected official who awards state contracts of more than \$50,000 to the contractor. LWVIL wrote letters and sent TFAs encouraging members to contact their legislators in support of this bill. The LWVIL also supported bills to strengthen state laws regulating lobbying of state government, and provide for voluntary public funding of Appellate and Supreme Court election campaigns. Written testimony was submitted at the Committee on Elections and Campaign Finance Reform on behalf of a campaign contribution limits bill. In February 2007 LWVIL submitted a statement in support of a Transparency in Government Bill that would require the Illinois Treasurer's Office to list publicly where the state's money is invested.

In response to the latest corruption charges against and subsequent impeachment of the sitting governor in early 2009 the IL Lt. Governor created the Illinois Reform Commission, the IL General Assembly convened the Joint Committee on Government

Reform and CHANGE Illinois a new coalition of civic, business, labor, professional, non-profit and philanthropic organizations was formed. LWVIL along with the CHANGE Illinois called for an end to Illinois' unregulated campaign finance system and for creation of a system of campaign contribution limits, like those in use at the federal level. In March 2009 LWVIL presented Testimony to the Joint Committee on Government Reform and sent TFAs to members asking them to contact their legislators. The General Assembly passed HB7 which fell short of real reform. Under pressure from League members, the press and the public in August 2009 the Governor vetoed HB7.

CHANGE Illinois and the League have urged the governor and legislative leaders to work together to craft a stronger piece of reform legislation to be passed during the October veto session. An efficient and effective law to control contributions needs the following: Reasonable limits applied to all individual and PAC contributions to candidates and parties; Limits on fund transfers among political committees, as well as coordinated expenditures on behalf of a candidate; Limits on contributions to candidates applied by each election cycle, not each calendar year; More complete and frequent disclosure of campaign contributions and expenditures; and A strengthened oversight agency with sufficient authority and resources to enforce the law, conduct random audits, and investigate and impose penalties for violations.

**Selection of the President** (1970, revised 1982, updated 2004): Promote the election of the President and the Vice President by direct popular vote and work to abolish the Electoral College; support uniform national voting qualifications and procedures for presidential elections. Support efforts to provide voters with sufficient information about candidates.

**LWVIL action** The LWVUS 2002 Convention adopted a review of this position and Illinois League members participated in the process (see LWVUS Voting Rights, this section, and LWVIL State Election Laws position, pg. 35).

**VOTING RIGHTS** (1976, revised 1982): Protect the right of every citizen to vote; encourage all citizens to vote.

**LWVIL action** Illinois Leagues have worked to increase the accessibility of polling places for the disabled, to expand voter registration opportunities in the state, and to pass the National Voter Registration Act (Motor Voter) that was signed into law in 1993. During the summer of 2001, Illinois local Leagues participated in the LWVUS survey of election officials. The survey's findings were published in November 2001. At the same time, LWVIL conducted its own survey of Illinois election authorities. (See LWVIL State Election Laws on page 35 for results of this survey.) Illinois Leagues also acted in support of the federal Help America Vote Act (HAVA) that Congress passed in 2002. This major piece of legislation calls for numerous election reforms that affect many parts of the electoral process. Among HAVA's requirements is one that each state form a planning committee to help guide its implementation within the state. The LWVIL president served on Illinois' planning committee for voter education and outreach.

**DC Self-Government and Full Voting Representation** (revised 1982 and 2000): Secure for the citizens of the District of Columbia the rights of self-government and full voting representation in both houses of Congress. Support restoration of an annual, predictable federal payment to the District to compensate for revenues denied and expenses incurred because of the federal presence.

***LWVIL action*** The LWVIL supported the agenda of the national League at the LWVUS 2000 Convention, which continues to advocate for DC voting rights, the right of self-government and an annual federal payment to compensate the District for revenues denied and expenses incurred due to the presence of the federal government. LWVUS continues to designate DC Rights as a 2007 legislative priority. In 2007, LWVUS supported a measure to add two voting representatives in the House; one for Washington DC and one for Utah. Local Leagues support this effort by responding to LWVUS action alerts.

## **LWVIL GOVERNMENT POSITION: CONSTITUTIONAL IMPLEMENTATION AND AMENDMENTS**

**Support for League positions to implement, amend and uphold the 1970 Illinois Constitution.**

**Position in Brief:** The League supports implementation of provisions for governmental change in the Local Government Article, and amendments to achieve merit selection of judges, the indirect statutory initiative and the recall of elected judges. The League maintains its support for positions already achieved in the Constitution but which may require effort to preserve.

**CONSTITUTIONAL IMPLEMENTATION AND AMENDMENTS** (1977, 1980, 1981, 1988, 1998 and 2003): The League supports the following:

- Implementation of the constitutional mandate to the legislature to provide an orderly transfer process when units of government are dissolved or their structure or boundaries are changed.
- An appointed State Board of Education with authority to name the state superintendent of education.
- Flexible annual sessions of the legislature.
- A revenue article with as little restrictive detail as possible, and which does not contain limitations on tax rates or bonding power and does not prohibit any particular tax.
- A graduated income tax.
- Constitutional initiative for the legislative article.
- Compulsory referendum for constitutional amendments.
- Merit selection of judges, with provision for public financing at Supreme and Appellate Court levels.
- Recall of elected judges.

The League supports indirect statutory and constitutional initiative, a process by which citizens can petition for enactment of a law or the passage of a constitutional amendment by the legislature. If the legislature fails to act within a specified time, the proposed law or amendment is placed on the ballot at the next election. (This is in contrast to direct statutory and constitutional initiatives that bypass the legislature. After petitions have received the required number of signatures and are deemed valid, the question is placed on the ballot.)

In addition, the League opposes constitutional amendments to provide for optional, compulsory or advisory referenda for statutes initiated by the legislature. The League supports statutory provisions requiring that those who pass and sign petitions be registered voters, and opposes requiring a representative geographical distribution of signers or petitions. (Note: In 1999, the US Supreme Court invalidated Colorado's requirement that referenda circulators be registered voters. In response to these rulings, the Illinois General Assembly changed the Illinois Election Code in 2001. Illinois law now conforms to the Federal Constitutional voting requirements that circulators be at

least 18 years old and a United States citizen. (This change in the Election Code essentially voids the LWVIL position that petition passers and signers be registered voters.)

The League supports merit selection as the ideal method to appoint judges to the courts in Illinois. Since 2003, in light of a longtime League goal of limiting political influence in the selection of judges, the escalating cost of judicial races and slow progress towards the goals of merit selection, the League also has advocated working for public financing of judicial elections at the Supreme Court and Appellate Court levels.

**Background** Ratification of the 1970 Constitution was the culmination of almost thirty years of League effort to repair or replace the Constitution of 1870. Much of the credit for passage of a resolution by the General Assembly in 1967 to call a Constitutional Convention can be attributed to the work of the Constitutional Study Commission chaired by Representative Marjorie Pebworth, LWVIL President, 1961-63.

Beginning in 1967, the League embarked on an all-out campaign to convince the electorate of the need for a new constitution. The 1969 LWVIL Convention directed a study on constitutional revision. The League rose to the challenge and within a remarkably short time completed in-depth studies leading to:

- Positions on the executive, legislative, apportionment, cumulative voting, amending process and suffrage.
- Position on local government.
- Reaffirmation of the 1949 judicial position, which had been the basis for modernizing the courts in 1963.

These positions, along with existing positions on education, revenue, environment and human rights, enabled the League to testify on each article of the proposed Constitution. League observers or lobbyists covered all sessions of the Constitutional Convention, and most of the committee hearings.

At a statewide meeting in 1970, the League gave its approval to the work of the Constitutional Convention. Again an all-out campaign was waged for ratification of the proposed constitution and two of the four separate submission items: merit selection of judges and single-member districts, neither of which passed.

Early League efforts to implement the 1970 Constitution were directed toward the Local Government Article in order to strengthen county and municipal government, encourage intergovernmental cooperation, and eliminate townships or restrict their powers. The League voted to drop the local government item from the state program in 1977 because of successes in the first two areas and the unlikelihood of abolishing township government since townships had been included in the federal Revenue Sharing Program, now eliminated. Local Leagues, however, may work for the dissolution of special districts and/or the elimination of specific townships following local study.

The 1973 LWVIL Convention adopted the constitutional item to incorporate the unfinished business of implementing and amending the Constitution.

The 1979 LWWIL Convention adopted a study of the process of public initiative, referendum and recall for Illinois. Positions reached in this study are now a part of this item.

The 1987 LWWIL Convention adopted a study of the need for a Constitutional Convention with direction that it be completed in time for the League to play a role in affecting the outcome of the November 1988 referendum on the issue. Members concluded overwhelmingly that a Constitutional Convention was not needed at that time.

The League's 1969 position (reaffirmed in 1979) on reducing the size of the legislature with single-member districts and eliminating cumulative voting was implemented in 1980 with the passage of the cutback amendment. This position was dropped in 1989 because it had been achieved.

The 1999 LWWIL Convention adopted a study of cumulative voting, contingent on available funding. Cumulative voting was a component of the Election Systems Study (1999-2002). In responding to the Election Systems questionnaire submitted to them, League members did not support a return to cumulative voting.

The League has been a strong advocate for merit selection of judges, working over the years for a merit selection amendment. The legislature has failed thus far to place the issue on the ballot. In October 2000, the LWWIL Board reaffirmed the merit selection position, choosing not to support public financing as an incremental step toward achieving merit selection.

However, at the 2001 LWWIL Convention, a Will of the Convention Motion directed the LWWIL Board to reexamine the merit selection position to determine "a plan of action for implementation of the position in the current political environment." Convention delegates wanted to know if the original study allowed for incremental steps to ensure an independent judiciary.

A review of League history and action dealing with merit selection of judges revealed that between 1967 and 1986 the League had supported a number of different combination "local option" and mandatory merit selection proposals. LWWIL supported the local option proposals as the "only politically realistic way to go." Based on this review, the Board concluded, and the 2003 LWWIL Convention concurred, that support for public financing of judicial elections was in keeping with the position's goals, particularly in light of the escalating costs of judicial races and slow progress towards the goals of merit selection.

The League continues to support the enactment of legislation to provide a process for the orderly transfer of power when units of government are dissolved or their structure or boundaries are changed. Lack of such enabling legislation has been a major obstacle to local decisions to change the structure of government.

The League strongly supports provisions in the 1970 Constitution that allow certain local governments to adopt home rule. The League opposes any attempt to restrict this option. Although the LWWIL position supports the home rule provision in the constitution, a local League must complete a local study if members want to take a position on the question of home rule for their own community.

The 2007 LWWIL Convention adopted a study of the need for a State Constitutional Convention. The question of whether a convention should be held would be on the November 2008 ballot. LWWIL formed a Study Committee which studied the issue and prepared materials that the local Leagues used when holding consensus meetings. Thirty-one local Leagues held consensus meetings using the Study Guide. Twenty-seven opposed holding a convention and four were undecided. The LWWIL Board voted to adopt a position opposing the call to convention. Reasons for opposing the call to convention included:

1. The risk of exposing the entire constitution to revision and possible loss of the gains made in the 1970 constitution.
2. The cost of the convention.
3. Relative ease of the amendment process with the 1970 Constitution.
4. Concern about the influence of special interest groups in both delegate selection and the convention discussions.
5. Concern about the delegate election process.
6. Risk that the current dysfunction in state government would extend to the convention, since the General Assembly would set the parameters for the election of delegates as well as the budget for the convention.
7. Education of the public on the issues was lacking.
8. Many of the changes that citizens were requesting were available legislatively.

On November 4, 2008, the call to convention was defeated. The Associated Press reported that with 99% of the precincts counted:

NO 2,671,635 (58%)  
YES 1,924,165 (42%)

### ***LWWIL action***

- Protected the League's position for an appointed State Board of Education with authority to appoint a State Superintendent by opposing attempts to abolish the Board, elect Board members or elect the Superintendent.
- Opposed proposals to restrict the consideration of appropriations and substantive legislation to single sessions of the legislature.
- Opposed efforts to make the Revenue article more restrictive.
- For action on a graduated income tax, see LWWIL State Fiscal Policies position, page 42.
- Opposed efforts to abolish judicial retention, a system by which a sitting judge runs on a nonpartisan ballot on his or her record only.
- Successfully supported an amendment on the November 1998 ballot calling for the appointment of two citizen members to the Courts Commission. A commission with authority to discipline judges was part of the League's position on the Constitution in 1970.
- Played a leadership role in coordinating opposition to a proposed constitutional amendment scheduled to appear on the November 1990 ballot. The Tax Accountability Amendment sought to require a three-fifths vote of the General Assembly to increase taxes. In the belief that the proposal went beyond the limited citizen initiative allowed under the Constitution and was contrary to the principles of responsible fiscal policy, the LWWIL formed a coalition which filed an *amicus* brief in the successful legal challenge to the amendment. The League successfully opposed

an effort in the state legislature to approve a similar constitutional amendment for the November 1996 ballot.

- Undertook a vigorous campaign to defeat the referendum for a Constitutional Convention on the November 1988 ballot, joining the Committee to Preserve the Illinois Constitution and participating extensively at both the state and local levels in urging a No vote on Con-Con. The League's efforts were successful, with voters rejecting the Constitutional Convention call by a 2-1 margin.
- In 2008, undertook another vigorous campaign to defeat the referendum for a Constitutional Convention on the November 2008 ballot. LWVIL joined a coalition called the Alliance to Protect the Illinois Constitution and participated in strategy meetings, a press conference, and meetings with the editorial boards of the Chicago Tribune, Pioneer Press, and the Daily Herald. LWVIL President Paula Lawson appeared on television on ABC 7 News Views and WTTW's Chicago Tonight. League members representing the League position participated in radio interviews in Rockford, Peoria, and McDonough County and were participants in panel discussions at public meetings around the state. Editorial pieces written by local Leagues appeared in local newspapers and the Chicago Tribune.

For action on constitutional proposals made under other LWVIL positions, see:

Term Limits (State Election Laws, pg. 35)

School Finance (Schools, pg. 28)

Right to bail (Criminal Justice, pg. 18)

Laws protecting children (Children's Services, pg. 66)

## **LWVIL GOVERNMENT POSITION: COUNTY GOVERNMENT STRUCTURE**

**Support for expanded citizen initiative powers to address county government structure and support for changes in the Illinois County Executive Act.**

**Position in Brief:** The League supports expanded citizen initiative powers to change the structure of county government. Petition requirements for citizen-initiated change should be a percentage of actual voters in a recent jurisdiction-wide election. The League supports changes in the Illinois County Executive Act to provide a clear separation of powers between the legislative and the executive branches and easily understood referendum language.

**COUNTY GOVERNMENT STRUCTURE (1991):** Citizens in each county should have the power to initiate change in the structure of county government. Structure refers to form of government; number of county board members; single member, at-large or multimember districts or a combination thereof; county board chairman elected at-large or by peers; or elected county executive.

Signature requirements for the petition process for citizen-initiated change in the structure of county government must be reasonable. The number of signatures needed should be a percentage of the actual voters in a recent jurisdiction-wide election rather than a percentage of the registered voters in the jurisdiction. Citizens who have successfully completed the initiative process should be assured of ballot access.

The Illinois County Executive Act should provide a clear separation of powers between the legislative and executive branches. The Act should provide easily understood referendum language for non-home rule counties voting to adopt the county executive form of government.

County legislative bodies should have the right to require independently elected county officials to adhere to the same personnel and procurement systems as appointed county department heads.

**Background** Delegates to the 1989 LWVIL Convention adopted a county government structure study. The experiences of four Leagues spurred the study and formed the basis for concurrence.

Although Peoria citizens, by League-initiated referendum, voted three to one in favor of reducing their county board from 27 to 9 members, the board refused to accede to the voters' wishes. Subsequently, the Illinois Supreme Court ruled that, under present law, a citizen-initiated referendum on the size of a county board is not binding.

The DuPage County ILO studied the county executive form of government and decided that it might be suited to their county's needs. After examining the Illinois County Executive Act, the League found many problems. In particular, under the current Act,

the county executive serves as the head of both the legislative and executive branches, which does not provide the traditional system of checks and balances valued in the United States. Because of this and other flaws, the DuPage ILO was unable to recommend that their county adopt this form of government.

The Lake County ILO agreed with the DuPage County ILO that the Illinois County Executive Act was flawed but preferred a different form of county leadership for Lake County: a county board president elected-at-large. Because the Peoria decision denies citizens the legal power to institute an at-large chair, the Lake County ILO also recognized the need to empower Illinois citizens with the authority to enact binding referenda on the structure of county government.

The Cook County ILO was successful in working to increase safeguards against patronage and procurement favoritism in county government. The League worked for the enactment of a county requirement that independently elected department heads (e.g., sheriff, clerk, recorder of deeds) must abide by the same personnel and procurement procedures as appointed department heads. Leagues participating in the LWVIL study wanted to be able to support state legislation that would give their counties the right to enact similar requirements.

A grant from the Illinois State Bar Association enabled the League to fund research by a law student on state court decisions on citizen initiative. The study included petition requirements for various citizen referenda in Illinois and a comparison with citizen initiative requirements across the country.

***LWVIL action*** No action has ever been taken by the LWVIL under this position. Local and County Leagues take action under this position.

## LWVIL GOVERNMENT POSITION: CRIMINAL JUSTICE

**Support for improved criminal justice procedures and alternatives to incarceration.**

**Position in Brief:** The League supports the increased use of intermediate sanctions in the community. Judges should retain discretion to choose between imprisonment and probation for most offenses. The League supports a sufficient number of trained probation officers and other court personnel, prompt trials, enforcement of jail standards and a system of bail that does not rely on financial ability as a criterion for pretrial release. Correctional services should conform to national professional standards, with programs and services that offer the opportunity for self-improvement. The League believes that the justice system must be adequately funded to carry out its goals. State funds should emphasize community sanctions over the construction of prisons. The League supports the expansion of prevention and treatment programs in order to ease the burden on the criminal justice system.

**CRIMINAL JUSTICE** (1972, 1973, 1976, 1979, 1982, 1983, 1989, revised 1995): The League supports the expansion of prevention and treatment programs to ease the burden on the criminal justice system.

**Pretrial Release** The League supports a bail bond system to ensure court appearances, but opposes a system of bondsmen who provide bail monies for fee. Financial ability should not be a criterion for pretrial release. Thorough evaluation and investigation should precede the use of release on recognizance (R.O.R.).

**Jail Standards** The League supports the development and enforcement of standards for local jails and detention facilities. The Illinois Department of Corrections is an appropriate agency to carry out this function.

**Courtroom Procedures** The League supports improvements in courtroom procedures that serve to minimize confusion and delay and increase fairness and efficiency. Trials should be prompt, with a limit on the time the accused can be held in jail prior to trial.

Sufficient numbers of well-paid and well-trained judges, assistant state's attorneys, public defenders and other court personnel are essential. Uniform standards should be used for appointing public defenders.

**Sentencing Laws and Procedures** The League believes that judges should retain the discretion to choose between imprisonment and probation for most offenses and opposes the proliferation of non-probationable offenses.

The League believes that there should be strict penalties and enforcement for all crimes committed with a handgun or an assault weapon (see LWVIL Gun Violence Prevention position, pg. 25).

The League supports reduction in time served as an incentive for good conduct by inmates. Such credits should be incorporated into the sentencing structure and should not be revoked without due process.

The League believes that a body, free from political influence, should make recommendations that promote certainty and fairness in sentencing, develop guidelines that provide greater uniformity and monitor the fiscal impact and effect on prison populations.

**Alternatives to Incarceration** The League supports the concept of pretrial diversion. The League supports the increased use of a range of intermediate sanctions in the community and the development of screening and supervision standards to ensure their appropriate use. The community must be educated regarding these alternatives.

The League supports a statewide probation system. Probation, the underlying element of most alternatives, must be professionally staffed and removed from political influence. Probation officers should be required to meet uniform professional standards and receive pre-service and in-service training. The number of probation officers should be adequate to make comprehensive investigative reports to the court, supervise categorized, manageable caseloads and provide social services.

**Illinois Department of Corrections** The League supports correctional services that conform to national professional standards.

The League believes that offenders are entitled to mail, telephone calls, visits from relatives, extended family visits, furloughs, the opportunity to voice grievances, and access to information in their case records.

Education and job training for inmates should be provided in conjunction with the boards of education, private industry and unions.

The League supports pre-release planning to bridge the gap between prison and the community.

The League supports mandatory supervised release and the provision of community services to offenders, particularly when first released. Technical violations of mandatory supervised release need to be carefully defined and uniformly reported.

**Citizen Involvement** The criminal justice system should make use of professionally directed volunteers who have been carefully screened and trained. The League supports citizen involvement in monitoring court proceedings and assessing the needs for improved court facilities. An independent citizen's committee should monitor Illinois correctional facilities.

**Funding** The League believes that the criminal justice system must be adequately funded in order to carry out its goals.

Funding of specialized programs for offenders, such as mental health services, programs for female offenders and substance abuse treatment, is essential.

The League supports funding to guarantee humane prison conditions and to provide programs and services that offer the opportunity for self-improvement.

The League believes that state funds should emphasize community sanctions over the construction of more prisons.

**Background** Delegates to the 1995 LWVIL Convention adopted by concurrence a revised position following a review by a statewide committee. The revision pulled together the following positions:

- Bail bond, pretrial release and victimless crimes (1972)
- Probation and parole; inmate rights and services (1973)
- Handgun (1976) and Assault Weapons (1989) Control
- Improved courtroom procedures based on recommendations of the Illinois Court Watching Project after monitoring some 82,000 criminal court proceedings (1979)
- Sentencing laws (1982)
- Alternatives to incarceration and state funding role (1983)

See also LWVIL Gun Violence Prevention position, pg. 25, which became a separate position in 1989. See also LWVIL Death Penalty Abolition position, pg. 22, which was separated in 2005.

**LWVIL action** The League participated in the following Governor's Task Forces: Prison Crowding; Detention Standards; Mentally Retarded/Mentally Ill Offenders; and Crime and Corrections. The League opposed an amendment to the Illinois Constitution that limits the right to bail.

In other action, the League:

- Co-sponsored educational forums on the principles of restorative justice, an approach that balances healing for the victim, offender accountability and community safety.
- Supported efforts to revise criminal laws and to establish the Illinois Sentencing Policy Advisory Council.
- Called for community supervision and treatment of non-violent offenders; supported the creation of Drug Schools and Mental Health Courts.
- Worked to create a system of probation with state standards and funding; advocated for resources to enable probation to carry out its mission; helped establish an array of intermediate sanctions for probation violators and worked with the Administrative Office of the Illinois Courts on evidence-based practices.
- Opposed legislation that expanded the use of mandatory prison sentences; opposed attempts to establish chain gangs.
- Supported measures that prohibit sexual conduct between staff and offenders; supported legislation that prohibits shackling inmates when giving birth.
- Promoted the development and funding of specialized services that meet the needs of female offenders and their children, substance abusers and mentally ill offenders.
- Advocated for educational and vocational programs as a means to reduce recidivism.

- Joined with other to address the needs of offenders returning to the community and made a special effort to remove barriers to employment for persons with criminal records.

The League is a member of the Collaborative on Reentry. The League collaborates with Treatment Alternatives for Safe Communities (TASC), Chicago Metropolis 2020 and Safer Foundation. The League monitors meetings of the Illinois Criminal Justice Information Authority and co-sponsors the annual Mothers in Prison/Children in Custody Rally.

(See LWWIL Mental Health position, pg. 74; see LWWIL State Election Laws position, pg. 35, for action on securing voting rights for detainees)  
(See LWWUS Social Policy position, pg. 61)

## **LWVIL GOVERNMENT POSITION: DEATH PENALTY ABOLITION**

### **Support for abolition of the death penalty in Illinois.**

**Position in Brief:** The League supports abolition of the death penalty in Illinois.

**DEATH PENALTY ABOLITION (2001):** The League supports abolition of the death penalty in Illinois. The League supports abolition of the death penalty because it does not function as an appropriate punishment for the following reasons:

- 1) In practice, the death penalty is unfair, it targets the poor and other vulnerable people—people who are mentally ill, mentally retarded, brain-damaged, and members of an ethnic or racial minority group.
- 2) The death penalty is not a deterrent. States without the death penalty—Iowa, Wisconsin, Michigan—have crime rates equal to or less than that of Illinois.
- 3) The nations with which we most identify—the nations of the European Union and Canada, for example—have abolished the death penalty and consider it a violation of human rights.
- 4) The death penalty does not serve the interests of family members of victims since the necessary and lengthy appeals process postpones the realization of justice and so, can retard the healing process.
- 5) An error cannot be corrected if the death penalty is carried out on an innocent person.
- 6) The death penalty is extremely expensive, due to the so-called precautions and extra measures taken to insure that only appropriate defendants receive the death penalty. Adding to the expense is the necessity for re-sentencing and retrials due to the extensive error-rate – nearly 50% of all cases in Illinois. Resources expended for the death penalty could be better used for positive programs that reduce crime and serve the victims of crime.
- 7) Reform has been tried and has not worked. In 1972, the U.S. Supreme Court declared unconstitutional the death penalty statutes of 40 states. The Court held that extensive jury discretion over death sentences resulted in arbitrary sentencing and therefore resulted in “cruel and unusual” punishment. However, in 1976, after various states enacted reforms that limited discretion, the Supreme Court held that the death penalty was constitutional.

Illinois’ present statute was a result of extensive reforms; and yet, the Governor’s Commission on Capital Punishment in April of 2002 identified eighty-five reforms that were needed to correct the present system. Even though in 2003 a few significant reforms passed, the vast majority of the Commission’s recommendations were not addressed. Moreover, the Governor’s Commission recognized that even if every

reform were adopted, the system would still not be error-free: *“The Commission was unanimous in the belief that no system, given human nature and frailties, could ever be devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again sentenced to death.” (Report of the Commission on Capital Punishment, Conclusion, pg. 207.)*

**Background** Delegates to the 2001 LWVIL Convention adopted by concurrence the LWV of Evanston’s position supporting the abolition of the death penalty.

### **LWVIL action**

- Supported legislation to abolish the death penalty and opposed an anti-terrorism bill that contained a provision expanding the death penalty to murder committed in the course of terrorism. Local League action helped enable an abolition bill to be voted out of the House Judiciary II committee in Spring 2003.
- Wrote the Governor in Fall 2002 urging commutation of all death penalty sentences to life sentences without parole. Local Leagues participated in a postcard campaign, initiated by the Illinois Coalition Against the Death Penalty, directed to the Governor to ask for commutation of death sentences.
- Leagues throughout the state continued to hold programs on the death penalty.
- Was a sponsor of Death Sentence 2002 at DePaul University.
- Participated in the National Coalition to Abolish the Death Penalty Conference in Chicago in October 2002.
- In 2003, LWVIL wrote and thanked Governor Blagojevich for extending the moratorium and urged him to support the abolition of the death penalty.
- LWVIL supported abolition legislation 2003 – 2005; responded to the General Assembly’s 2003 reform efforts stating that no reform could ensure a foolproof death penalty and that any proposed reform legislation should be applied to the entire criminal justice system; responded to the “no doubt” legislation in the Spring 2005 session, that the determination of guilt/innocence is only one of the many problems with the death penalty and does not repair the broken system.
- During 2003 and into 2004, LWVIL prepared and mailed materials to all local Leagues in the U.S. urging the adoption of a national abolition position by concurrence at the 2004 LWVUS Convention. Leagues with abolition positions and League members sympathetic to abolition were identified and enlisted in promoting the position. Although the proposal won a majority vote, it fell short of the 2/3 vote necessary for adoption.
- Preparations during the fall of 2005 through the spring of 2006, aimed at taking the LWVIL death penalty abolition concurrence back to the LWVUS convention in June, 2006. These developed into a multi-League effort, and the concurrence was adopted by a wide-margin at convention. Now all state Leagues are able to take action to end capital punishment.
- The death penalty page on the LWVIL website has been updated and contains a link to the LWVUS listserv which began in the spring of 2007. This discussion list is a tool for League members to stimulate conversation and action on the death penalty.
- On February 26 of 2007, LWVIL presented testimony before the Capital Punishment Reform Study Committee, encouraging the committee to go beyond an analysis of reform effectiveness and recommend abolition to the General Assembly. The committee’s final report is due in the fall of 2008, and in the meantime, LWVIL will monitor the committee’s activities and bring testimony when appropriate.
- The LWVIL continues to partner with Illinois Coalition to Abolish the Death Penalty.

- In 2007 only three death sentences were handed down in Illinois and six capital defendants in Cook County were actually found Not Guilty.
- At the end of 2007, 169 capital cases were pending in Cook County but few of these remain capital cases by the time they come to trial. Twenty-two cases were pending outside of Cook County.
- In 2008, no death sentences were handed down in Cook County, and only three persons were sentenced to death outside of Cook County.
- In late June of 2008, the 201-member Assembly of the Illinois State Bar Association (ISBA) voted in favor of abolition of the death penalty in Illinois. Abolition is now the official policy of the 35,000 member State Bar, and its lobbyists will actively be supporting the effort for abolition.
- The LWVIL submitted testimony to the House Judiciary II Committee when it held hearings on the death penalty on September 18, 2008.
- On March 12, 2009, a TFA alerted LWVIL members to ask legislators to co-sponsor HB262, the abolition bill, which was voted out of committee and later re-referred to the Rules Committee. The chief sponsor is Karen Yarbrough and the bill has nineteen co-sponsors.
- In 2009, former death row inmates Nathson Fields (April) and Ronald Kitchen (July) became the nineteenth and twentieth men to be exonerated from death row in Illinois.
- Despite large numbers of pending death penalty cases, Illinois judges and juries have become increasingly reluctant to hand down death sentences. The number of death sentences in the past five years has ranged from a high of four in 2004 to a low of one in 2005, for an average of less than three per year. There have been no capital trials in Springfield, Rockford, Peoria, Decatur, or Bloomington-Normal in at least three years. Currently thirteen men are on death row.
- The Illinois Coalition to Abolish the Death Penalty with partners (including the League) has developed a 1-3 year strategy for the abolition of the death penalty. Early in 2010 three events considered positive for abolition will occur: (1) a cost study ordered by the Senate is due; (2) the final report of the Illinois Death Penalty Reform Study Committee will be issued and (3) the trial of Jon Burge who allegedly tortured men into false confessions. .

## LWVIL GOVERNMENT POSITIONS: GUN VIOLENCE PREVENTION

### Support for handgun and assault weapon control.

**Position in Brief:** The League supports legislative controls to stop the proliferation of private ownership of handguns and their irresponsible use. The League advocates restricting access to automatic and semi-automatic assault type weapons.

**HANDGUN CONTROL (1976):** To curb the proliferation of the private ownership of handguns and their irresponsible use, the League supports a ban on the further manufacture, sale, transportation and importation of handguns and their parts. The League supports restrictive regulation of all handguns and ammunition, enforcement of existing regulations and strict penalties for crimes committed with a handgun.

The League favors federal legislation governing the use of handguns, but will support legislation at all levels of government meeting League criteria. The League will not support state or federal legislation for specific areas only, such as metropolitan or high crime areas.

To ensure that handgun owners assume complete responsibility for their handguns, the League supports registration of the handgun itself so that it can be traced to its owner. There should be comprehensive licensing procedures, with gun safety education, fingerprinting and photographs, plus a verification of the applicant's qualifications and a permit system that restricts handgun ownership. Sufficient fees should be paid by handgun owners to cover administrative costs. Ideally, local or state governments should enforce federal standards.

The League supports handgun safety education only if it is required for owners as part of the licensing procedure, does not promote or glorify handgun usage or ownership, and is used to convey the dangers of handgun misuse and ownership.

The League supports regulation of handgun dealers. All dealers selling handguns must be carefully regulated to assure that they are legitimate dealers and not merely persons wishing to have access to interstate shipments. The League recommends high fees, annual renewal of licenses and a thorough investigation of dealers and their places of business. The League supports the need for further controls or elimination of mail order sales and interstate shipments.

**ASSAULT WEAPONS CONTROL (1989):** The League advocates restricting access to automatic and semi-automatic assault type weapons. These weapons present a clear and unequivocal danger to public safety. Therefore, the League believes that it is essential to restrict or prohibit the possession and sale, manufacture, importation and transportation of semi-automatic assault type weapons for private ownership. Additionally, the sale of ammunition for these weapons should be restricted or prohibited. The League favors restrictive legislation at both the state and federal levels.

**Background** The position on handgun control was reached in 1976 after a statewide study. The assault weapons control position was adopted by concurrence at the 1989 LWVIL Convention. The LWVIL led the successful effort to adopt a national gun control position at the 1990 LWVUS Convention.

**LWVIL action** The League has actively supported legislation to increase controls on handguns and restrict or prohibit access to assault weapons. LWVIL worked to support the retention of responsible state laws, such as legislation in the areas of domestic firearm violence, child safety, gun dealer regulation and assault weapon bans. LWVIL opposed concealed carry legislation and the preemption of local gun control laws. In 2004-05 on the state level, LWVIL supported legislation banning assault weapons and .50 caliber sniper rifles and ammunition; requiring those selling firearms in Illinois to be licensed; requiring mandatory trigger locks and requiring background checks on gun sales at Illinois gun shows.

LWVIL has continued to support and lobbied to protect federal initiatives, including the Brady Bill, the Assault Weapons Ban and the Assault Weapons Ban and Law Enforcement Protection Act of 2003. LWVIL is a coalition partner with the Brady Campaign and the Illinois Council Against Handgun Violence. The Joyce Foundation funded a new gun violence prevention group, the Legal Community Against Violence. All groups have combined resources and are working as the Illinois Campaign to Prevent Gun Violence (ICPGV).

In 2007, LWVIL successfully applied to ICPGV for a mini-grant to pursue meaningful gun violence reform in Illinois. At present, many bills are in various stages in the state legislature. ICPGV has identified many "Legislators of Focus". Several local League members who are these specific legislators' constituents have been attending in-district lobbying meetings with their own representatives. In addition, LWVIL has issued TFAs to all League members in the affected districts. Local Leagues state-wide have included a discussion of gun issues in their Legislative Interviews. LWVIL has engaged in a "Letters to the Editor" project advocating the passage of these common sense gun laws. LWVIL initiated publicity for the Cook County LWV on the November 2006 advisory referendum to ban assault weapons. All county LWV members and bulletin editors received e-mails urging the passage of the ban. The vote was 86% in favor. The LWVUS supported extension of the Assault Weapons Ban which was allowed to sunset in 2004. The League unsuccessfully opposed the Protection of Lawful Commerce in Arms Act (Immunity Bill).

League had an active presence at the Chicago Million Mom March in the summer of 2000. LWVIL was represented at the Illinois Council Against Handgun Violence (ICHV) Midwest Action Conference and cosponsored the ICHV Rally Against Handgun Violence in 2004.

The Legal Community Against Violence/Illinois Campaign Against Gun Violence (LCAV) has been a coalition of many groups, including LWVIL and the Brady Campaign, dedicated to gun violence prevention. Through funding from the Joyce Foundation, the LCAV has awarded several mini-grants to coalition members in order to carry out the mission of legislating sensible gun laws for the state; LWVIL has been the recipient for the past two years. Unfortunately, due to lack of funding, the LCAV is no longer in operation.

In 2009, many different gun bills were introduced and voted upon in the state legislature. Through ongoing research, the LCAV was able to identify various "legislators of focus"- those state representatives and/or senators likely to oppose different bills. LCAV would then organize in-district lobbying visits to the designated legislators and then LWVIL requested local Leagues with members in the district to attend these meetings. Several local Leagues participated in these efforts: Elmhurst, Glen Ellyn, Homewood/Flossmoor, Naperville and Wheaton. Throughout the year, LWVIL also sent out many TFAs (Time for Action) requests to our members and wrote many Letters to the Editor in designated districts.

Because of extensive lobbying, LCAV thought we had enough votes to pass HB 48 which addressed the problem of private sales of concealable guns which did not require background checks. Sadly, the bill failed because five state representatives reneged upon their promise to vote yes.

Another bill which passed the state legislature was HB 182 (concealed carry). Despite great amounts of correspondence (email, phone calls and US mail) from LWVIL members and other coalition members urging Governor Quinn to veto HB 182, he signed it and it is now public law in Illinois.

## LWVIL GOVERNMENT POSITION: SCHOOLS

**Support for a public school system that is equitable both in quality for the student and financing for the taxpayer.**

**Position in Brief:** The League of Women Voters of Illinois supports a system of high quality elementary and secondary schools for all children in Illinois which provides for local control of school program and budget within minimum program requirements set by the State. The State should provide leadership to local communities for program development and should set standards for recognition and accreditation of schools. The effectiveness of educational programs should be evaluated regularly. The League favors minimum standards for graduation and promotion of students. The League supports increased professionalism for teachers including stringent teacher preparation standards, comprehensive teacher and principal evaluations, changes in tenure and increased teacher compensation. The State should assume the major responsibility for funding public schools and guarantee an adequate level of financial support. League believes that charters should be established by local school boards and that the Illinois State Board of Education should continue to monitor the progress of existing charters before supporting further expansion.

### **SCHOOL QUALITY (1986 and 1987)**

**Governance** The League believes that the State of Illinois should determine minimum program for Illinois elementary and secondary schools. The Illinois State Board of Education should assume the primary leadership role in initiating policy, establishing minimum standards, and coordinating delivery of services. The local school board should implement minimum standards and provide leadership in the community for program development. In addition, the local school board should make recommendations to the Illinois State Board of Education concerning programs for Illinois schools.

**Primary Purpose of Schooling** The League believes the primary purpose of schooling is the transmission of knowledge and culture through which children learn in areas necessary to their continuing development. Such areas should include the language arts, mathematics, biological and physical science, social sciences, the fine arts, physical development and health. Emphasis should be placed on the development of critical thinking skills and the integration of knowledge. Each school district shall give priority in the allocation of resources to fulfilling the primary purpose of schooling.

**State Program Mandates** The League supports the following instructional mandates: language arts, mathematics, science, social studies/history, foreign language, art and music, vocational education, special education, gifted education, early childhood education and health education. There should be flexibility in implementing mandates at the local level.

Mandates such as metric measurement, career education, safety education and consumer education should be integrated into other programs rather than existing as separate mandates. Driver education and physical education, especially at the high school level, should continue but with more local options permitted. The League supports bilingual programs to enable non-English-speaking children to learn English as quickly as possible, but programs must be flexible.

Local school districts should be required to provide the following services: media programs, school food services, pupil personnel services, student health programs, necessary transportation services and special services to disadvantaged children.

The League supports state requirements for compulsory attendance and minimum standards for length of school day and school year. The League opposes any additional state-mandated school holidays.

**State Standards for Schools and Students** The State should set standards for the recognition and accreditation of schools and school districts. The goals and learning objectives established by the State should be minimum standards, which local districts should enhance. Local districts should be permitted and encouraged to be flexible in the evaluation of students' learning of essential information and skills.

The State should set minimum achievement standards for graduation and promotion to various grade levels. Remediation programs should be provided at all levels of instruction for students achieving below grade level.

**Evaluation of the Effectiveness of Education** The League believes that the effectiveness of education should be evaluated by both class time requirements and knowledge gained as measured by mastery of learning objectives. Evaluation should include information assembled for the school/school district Report Cards, student test scores, programs offered, student/staff ratios, building standards, and qualifications of teachers. No one factor (e.g., test scores) should be used exclusively. The League does not support the withdrawal of funds from a school district that does not meet state standards, but does approve withdrawal of recognition as a last resort, after extensive and creative remediation efforts have been tried.

**Personnel Issues** The League supports stringent entrance requirements into a four-year undergraduate program for students who intend to teach. Such students should pursue an undergraduate course of study that primarily emphasizes the liberal arts and sciences and allows for early and varied teaching experiences. Certification should be granted after the student obtains a liberal arts and sciences degree, completes a successful period of internship and passes an objective test to ensure competency in basic skills and subject matter to be taught.

The League supports a comprehensive evaluation process for both teachers and principals. Teachers should be evaluated by administrators (principals, department chair or other administrators) and other teachers, all of whom should receive training in teacher evaluations. A comprehensive evaluation should be based on the following criteria: attendance, classroom management skills, instructional methods, knowledge of subject matter, continuing professional education and interpersonal skills. Evaluations of principals should be done by administrators and teachers who are trained to evaluate. The evaluation should be based on the following criteria: ability to maintain productive

parent-school relationships, organizational skills, ability to establish and preserve a positive school climate, instructional leadership, ability to objectively evaluate personnel and their teaching skills, continuing professional education and interpersonal skills.

The League favors modifications in the tenure laws including extension of the two-year probationary period, establishment of a plan for periodic renewal of tenure and elimination of seniority as the sole criterion for dismissal of teachers when reducing the teaching force (RIF, reduction in force).

To ensure that the teaching profession attracts and retains highly qualified teachers, the League supports the following: an increase in beginning teachers' salaries financed either by the State directly or through grants to local districts to use at their discretion for increased salaries, an increase in the role of teachers in instructional leadership and management decisions, the establishment of a career ladder for teachers which includes increased salaries for increased teacher responsibilities and an increase in salary for teachers who take advanced courses or obtain advanced degrees.

**SCHOOL FINANCE** (1975, 1977, 1979, revised 1993): The League believes that schools should be provided stable, reliable and adequate revenue through a combination of federal, state and local sources. State funding levels should be sufficient to enable districts to provide for all students an education that meets both standards established by the State Board of Education and legislated mandates. The League opposes additional mandates without state funding provisions. The State should not subsidize districts too small to meet state standards but rather should encourage consolidation through financial incentives. State standards for education should also address the importance of adequately maintaining and building school facilities.

General state aid to schools should be reviewed regularly, taking into account increases in the cost of living, professional estimates of the cost of quality educational programs, and regional differences in the costs of providing the same or similar services. The League strongly supports using a weighting factor for low-income students, believing that basic funding for disadvantaged students should reflect their need for additional services. Local districts should be held accountable by the State for the expenditure of money for programs that fill special student needs.

The distribution of state funds to public elementary and secondary schools should reduce financial disparities between districts and increase equity for students and for taxpayers. The State should concentrate its efforts on raising the level of the financial resources of poorer districts. Capping of allowable expenditure per pupil should not be used as a means to achieve equity. A reasonable minimum local tax effort, achievable without referendum, should be required for a district to receive equalization aid.

The League strongly supports reduced reliance on local property taxes to fund schools and believes that the State should assume the major responsibility for funding public education. The League opposes proposals that would provide public funds for private schools. The income tax (preferably at a graduated rate) provides the most productive and equitable source of revenue for schools. The League opposes state assumption of the total cost of public education because it could diminish local control and educational innovation.

**CHARTER SCHOOLS (2001):** The League of Women Voters of Illinois believes that the Illinois State Board of Education should continue to monitor the progress of existing charters before supporting expansion, specifically looking for improvement in individual student test scores and achievement of the specific goals stated in the school's charter. League also believes that charters should be established by local school boards, with adequate provisions for public education and participation in the decision making process. An appeal process to the State Board of Education should remain in place as an option for charters who have been denied by their local school boards. While we feel that advantages of charters largely outweigh the disadvantages, we have identified the following areas of concern:

- 1) School funding. Charters do nothing to address the issue of equitable and adequate funding of education, including special education.
- 2) Financial impact on underlying school districts, especially smaller districts. Charters place financial pressure on smaller districts by drawing money out of the traditional public schools.
- 3) Privatization and profit-making. The LWVIL opposes the presence of private, for-profit companies in the governance of public education, as there could be a conflict between the interests of shareholders in the corporation and the citizens of the state.

LWVIL has also identified areas of opportunity resulting from charter schools:

- 1) Innovation. Charters have a mandate to share innovations in teaching methods, curricula and standards of assessment for all stakeholders.
- 2) Increased parental choice and involvement within the public school system.

***Background and Action*** League support for equal educational opportunity is a national position that is now embodied in League principles. Because education is a responsibility of the states, however, LWVIL and many other state Leagues have adopted positions on the equitable distribution of state resources for public schools.

In 1973, a comprehensive new study that examined more equitable ways to raise money and distribute it for schools was authorized. The position adopted in 1975 supported the concept of the resource equalizer formula.

During the 1983-85 biennium, League efforts were directed towards re-educating members about school finance so that they could serve as community resource people, marshaling citizen input into the school reform movement of 1985. During this effort, the League realized that it was necessary to broaden the position to include other aspects of education in addition to funding. A study of the role of the state in determining educational policy was adopted by the 1985 LWVIL Convention. Action during this biennium emphasized full funding of mandated programs and development of a school funding system that was equitable and adequate for all schools in Illinois.

The League concentrated its efforts during 1985-89 on ensuring that education was given the financial resources to implement the 1985 education reforms. In 1985, the League worked for passage of an increased cigarette tax when it became obvious that there was no hope of passing an increase in the income tax. In 1987-89, the League concentrated its efforts on convincing the General Assembly that an income tax increase

was necessary if the education reforms (particularly for high-risk pre-schoolers) and formula revisions were to be funded.

In 1990, the League joined the Coalition for Educational Rights in support of a lawsuit against the State challenging the constitutionality of Illinois' school funding system. LWVIL would work for school funding largely through its participation in the Coalition, which it chaired from December 1994 to June 1996, until the Coalition's dissolution in late 1997.

In the 1991-93 biennium, through an action campaign adopted at the 1991 LWVIL Convention, local Leagues began to promote public understanding of school finance issues and the need for school funding reform. During the same period, LWVIL monitored and provided testimony to the Legislative Task Force on School Finance. The League also actively supported an amendment to the educational article of the Illinois Constitution, passed by the legislature in May 1992, which was intended to strengthen the constitutional requirement for an adequate and equitable state school funding system. The amendment fell just short of passage in November 1992. In spring of 1993, the League supported unsuccessful legislation that embodied the recommendations of the Legislative Task Force.

Recognizing that long-term solutions for school funding and other human service needs require reform of the State's tax system, the League embarked in 1993 on a tax reform action focus centered around a campaign for a graduated income tax (see State Fiscal Policies position, pg. 42). The 1995 LWVIL Convention approved the formation of a Working Committee on State Tax and School Funding Reform to direct the League's efforts in these areas.

The League provided testimony in early 1996 to the Governor's Commission on Education Funding. LWVIL, with its education coalition partners, supported legislation stemming from the Commission's recommendations. These recommendations, including an increase in the personal income tax, failed in both the 1996 and 1997 spring sessions.

After unsuccessful lobbying for an increase in the income tax as a preferable source of revenue, the League did not take a position on a bill passed in December of 1997, which provided an additional \$485 million for education through a tax increase on cigarettes, telephone calls and riverboat gambling. The League did prepare a statement opposing gambling as a solution to Illinois' fiscal problems (see Appendix, page 81).

During the 1999 session, several tuition tax credit bills were introduced. The Educational Expenses Tax Reform Act, providing for an annual state income tax credit for "qualified educational expenses" exceeding \$250 up to a maximum credit of \$500, passed the General Assembly and was signed by the Governor. League believes that this threshold is unlikely to be met by the vast majority of parents of public school children; therefore, LWVIL considered this legislation as a benefit to parents of private school children and opposed it.

During the 2000 Session, the General Assembly attempted to pass the Illinois budget with a provision to provide for payments of public funds to nonpublic schools. The initiative was not included in the final budget after an intense lobby effort by the Illinois Federation of Teachers, the Illinois Education Association and League members.

Delegates at the 1999 LWVIL Convention adopted a study of charter schools. Beginning in August of 1999, a study committee of 20 produced two packets of background data/information and a consensus packet. Their investigation focused on the advantages and disadvantages of charters, current and potential funding sources, the impact of charters on local school districts and the educational implementation of charters. The committee did significant outreach to educational stakeholders. Representatives of the Illinois PTA, the Illinois Education Association, the Illinois Federation of Teachers, the Illinois Association of School Boards and the Chicago Public Schools attended meetings, both as participants and resources. Local league study chairs disseminated study information to their members through their bulletins and informational meetings; many organized community forums on the issue. The LWVIL Board approved the Charter School position in April 2001.

Since 1999, LWVIL representatives have attended meetings of the Education Funding Advisory Board (EFAB) which was appointed by the General Assembly to study school funding problems and make recommendations on funding levels to the General Assembly. The EFAB report described the board's study of low funding, high achieving public schools and established minimum levels for general state aid payments to schools. LWVIL filed comments in support of the EFAB recommendations.

From 2001-2009, LWVIL and its members have taken action on the issue by meeting with legislators about school funding, calling and writing legislators during the legislative session, writing letters to the editors, and participating in media events. Local Leagues have held meetings to educate the public about school funding issues and problems. Ralph Martire from the Center for Tax and Budget Accountability spoke at many of these meetings. Some local Leagues studied and took action on local school referenda. One local League worked closely with their school district, the city, and the business community to monitor and evaluate the addition of charter schools to the district. LWVIL participates as an active member in several coalitions which share a common interest in reforming Illinois' school finance system. Coalitions include Better Funding for Better Schools and the Responsible Budget Coalition. Memberships in coalitions provide the League with opportunities to learn more about school funding issues and pending legislation, and allow the League to bring its positions to the discussions. The League also brings its membership and the grassroots support its members provide to the cause.

A state-wide committee of League members interested in education was formed in Nov. 2008 and consists of representatives from several Leagues around Illinois. The committee is working to devise strategies to educate LWVIL members on the issue of school funding reform as well as other topics with the goal of expanding our grassroots effort.

At the 2003, 2005, 2007, and 2009 LWVIL Conventions, Leagues voted to adopt an action focus on State Fiscal Policy and School Funding for the following two years. Fiscal policy and school funding are issues which are closely connected because education funding is a large portion of the state budget. Other League positions are also impacted because the State has insufficient revenues to provide for many of the needs that the League has identified.

At the 2009 LWVIL Convention, Leagues voted to pass a Will of Convention directing that a letter be sent to the Governor and the General Assembly urging them to pass a

fair and equitable income tax, restoring Illinois to fiscal health in an accountable and transparent manner.

During the Spring 2009 Legislative session, SB 612 (PA 96-105) was passed doubling the number of charter schools in Illinois with the bulk of the increase going to Chicago. There were changes made in how charters operate in Illinois which included requiring 75% of the teaching staff be certified by the state and that charters submit yearly audits, among other changes. The League took no position on this legislation.

(See also State Fiscal Policies, pg. 42).

## **LWVIL GOVERNMENT POSITION: STATE ELECTION LAWS**

Support for improved election laws and procedures applied uniformly throughout the state and opposition to term limits for members of the Illinois General Assembly. Support for election reforms that increase voter participation and are fair and equitable for all eligible citizens.

**Position In Brief:** The League supports uniform election laws and procedures throughout the state to ensure the integrity of the electoral system. The League opposes term limits for members of the General Assembly. The League believes that a good election system should provide stability and continuity of governance and should produce a legislature that addresses the problems of society effectively. It should be resistant to both outright fraud and other forms of political manipulation. The League supports election reforms that increase voter participation and protect the votes of eligible citizens. The League opposes measures that undermine or raise barriers to participation by eligible voters.

**REGISTRATION AND ELECTIONS** (1972 - 1977, revised 1999): The League of Women Voters supports uniformity of election laws and procedures throughout the state. Registration and voting methods should ensure the integrity of the election system, maximize voters' unencumbered access to the ballot, preserve the secrecy of the ballot and ensure accurate and timely vote tabulation. Citizens should have the right to file complaints and writs of mandamus to force compliance with election laws.

The League opposes any legislation that would require a declaration of party at the time of registration or at any time prior to a primary election. A voter's selection of a party's ballot in one primary should not be binding beyond that election.

**Registration** A combined in-person and mail registration system should be maintained. Citizens with more than one residence should have the option of choosing which residence will be the primary residence for registration. The length of residence required to register to vote should be the minimum needed to allow adequate time for verification and publication of voter lists. Registration procedures should include safeguards against fraud.

**Elections** The League supports an efficient, practical and regular election schedule. At each polling place there should be election judges from more than one of the major political parties. The League supports mandatory training and periodic retraining of all election judges. In tabulating votes, any mark or other indication that clearly shows the intent of the voter should be counted. Additional election officials for tallying ballots should be used when conditions necessitate.

**STATE BOARD OF ELECTIONS** (1971, revised 1999): The League of Women Voters supports a state board of elections. Such agency should ensure that election laws are applied uniformly and properly throughout the state. The state board of elections should

supervise and coordinate: voter registration; candidate filing, reporting, and certification; and the nomination and election processes.

**Organization** Members of the state board of elections should be appointed to staggered terms by the governor with the advice and consent of the Senate. No political party should constitute a majority of the board and the board's size should ensure that all parts of the state are represented. A means for resolving tie votes should be utilized. The League is not opposed to compensation beyond expenses, reflecting the scope of the job.

**Responsibilities** The state board of elections should interpret and compel compliance with the election laws and should have the power to receive complaints, conduct investigations, issue subpoenas, hold hearings, impose penalties and pursue appropriate enforcement action through the courts. The board should appoint an administrative director to oversee the day-to-day operations of the agency and may delegate authority below the state level, as appropriate. To ensure understanding and compliance with election laws and procedures, the board should 1) provide training for registration and election officials and 2) prepare and disseminate information to educate citizens and candidates.

The board should work for codification of election laws and should continually study and recommend improvements in election laws and procedures. It should make annual reports to the General Assembly, the governor and the public.

**TERM LIMITS** (1992, 1999): The League opposes constitutional or statutory term limitations for members of the General Assembly based on the League's support for accountability, representativeness, and effective performance and for a dynamic balance of power between the legislative and the executive branches (see LWVUS Congress and The Presidency position, pg. 6).

**ELECTION SYSTEMS CRITERIA** (2002):

The League believes that a good election system must meet the following two criteria:

1. An election system should provide stability and continuity of governance by assuring smooth transitions following elections and should produce a legislature that addresses the problems of society effectively and in a timely manner.
2. An election system should also be resistant to both outright fraud and forms of political manipulation, such as those involving nominating processes and procedures, gerrymandering, or financing of campaigns.

The League believes these additional criteria should also be considered when judging an election system. A system should:

- Encourage close links between legislators and their constituents so as to promote citizen participation in government and help to assure accountability.
- Be easy to use and to administer. Citizens should be able to cast their votes with ease and to understand the election results without difficulty. Complicated voting procedures that discourage voter participation and create confusion over voting results should be avoided. Consideration should be given to the administrative costs of conducting elections.
- Produce a legislature that fairly and accurately reflects the views found among the public, enabling voters to be confident that their voices will be heard.

- Encourage high-quality political campaigns by instituting procedures that promote discussion of issues and discourage mudslinging and dirty tricks.
- Encourage high voter turnout, recognizing that while administrative matters, such as barriers to registration, can affect turnout, the election system itself can also influence it.

**Background and Action** Election laws and their reform have been a primary concern of the League of Women Voters since its founding at the time women achieved the vote. Legislative action in this area has resulted in:

- permanent registration,
- a shorter ballot,
- reduced residency requirements,
- creation of the appointed State Board of Elections (SBE),
- consolidation of elections,
- extension of voting hours to 7 p.m.,
- liberalization of the deputy registrar law,
- legislation permitting detainees awaiting trial to vote absentee,
- amending the election code to permit poll watching by certain civic groups and,
- at the national level, lowering of the voting age.

Although a 1976-77 study of primary elections did not result in any consensus regarding an open or a closed primary system, the League has opposed legislation that makes participation in the primary election more restrictive, particularly the persistent efforts to require pre-primary party registration.

In 1983, the League worked with a coalition for legislation to enable school officials, librarians, local union officials, and officers of bona fide statewide civic organizations to designate deputy registrars. Since then, the League has worked to strengthen the deputy registrar program.

The League has supported legislation to make absentee and in-person voting more accessible to disabled citizens and to broaden in-person absentee voting opportunities for all citizens. The League's study of election consolidation found that League members were concerned about having a long time period between the primary and the general election and preferred holding elections annually in the spring and November. League efforts to have a later primary have not been successful. The League continues to work for the expansion of voter registration opportunities and the codification of election laws.

**Computerized Voter Registration List** The League has been on record as favoring the creation of a computerized statewide voter registration system since the early 1980's. The League has presented support statements to the State Board of Elections (SBE) several times. In 1998, the SBE formed a study group to develop conceptual design recommendations for a voter registration computer network. The League's election laws specialist was a member of the study group. The group's report was submitted to the SBE in September 1998, but creation of a computerized voter registration system was delayed due to resistance by local election authorities. There was minimal effort to implement the study group's recommendations until 2001 when SBE hired a consulting firm to design a computerized voter registration system. Work on the system was proceeding well until the fall of 2002 when the State faced a budget

crisis and FY03 funding for the voter registration project was cut to the FY02 level. LWVIL lobbied unsuccessfully for restoration of the funds. In October 2002, when the money ran out, work on the project stopped. The Help America Vote Act (HAVA) passed by Congress in October 2002, included funds to assist states with the establishment of a voter registration database. Illinois has received some “early money” under this proviso enabling the SBE to bring the consultants back to complete the Illinois Data Export Application/Uniform Data Form (IDEA/UDF) project. The goal to have the system in place for the March 2004 primary election was not met. *In the spring of 2009 the State Board of Elections announced that voter registration records from all local election authorities have been added to the Illinois Voter Registration System’s database and that Illinois is compliant with HAVA’s requirements.*

**The National Voter Registration Act (NVRA)** NVRA, often called Motor Voter, was a national priority throughout the ‘90’s. After NVRA was signed into law in 1993, the action moved to the states. LWVIL and other supporters were unsuccessful in obtaining passage of NVRA implementing legislation in the Illinois General Assembly. When NVRA became effective on January 1, 1995, Illinois was not in compliance.

Immediately LWVIL and others, including the U.S. Department of Justice, filed suits to force Illinois to comply. In response to the consolidated suits both the federal district court and the Seventh Circuit Court of Appeals ruled that the State must comply. The State chose to institute a two-tier voter registration system in which persons registering under NVRA provisions were eligible to vote in federal elections only. Those wishing to vote in local and state elections had to register a second time. The League and its coalition partners continued to work for passage of legislation to implement NVRA and to end the two-tier voter registration system. A bill to make the two-tier voter registration system a part of the Illinois Election Code was defeated in the 1995 veto session.

In November 1995, the League filed a second lawsuit challenging the constitutionality of the two-tier voter registration system. The League’s position prevailed in both the circuit court and the Illinois Appellate Court. In October 1996, the State dropped its legal challenge. NVRA continues to be implemented under rules and regulations created by the State Board of Elections. Many of the federal Help America Vote Act (HAVA) provisions also amended NVRA, thus when the state amended the state code to incorporate all HAVA, NVRA matters were included. The League remains committed to having all NVRA requirements incorporated into the Illinois Election Code.

As Illinois attempted to meet the federal requirements of NVRA a number of problems arose. In response to problems in the drivers license facilities, the Secretary of State convened an advisory committee in 1999. The committee was asked to evaluate the existing implementation of the federal Motor Voter Law (NVRA) in Illinois and to recommend administrative improvements. The LWVIL election laws issue specialist served on the advisory committee. The committee’s report was issued in November 2000. Several of the committee’s recommendations were implemented in 2001. The Secretary of State’s staff continued to make changes in its administrative procedures based on the committee’s recommendations and reports that all have been implemented. Additional procedural changes are being initiated by the SOS’s office in response to problems as they arise. Monitoring NVRA implementation remains a League priority.

**Legislative Process Three Readings Rule** In the spring of 1998, the League joined, as an *amicus*, in a case before the Illinois Court of Appeals. Our brief supported the plaintiffs-appellants' contention that the passage of PA 89-700 violated the three-readings rule (prior to passage legislation must be "read" - presented and/or debated by each chamber of the legislature - three separate times). The legislation banned straight-ticket voting in Illinois. The League's brief addressed only the legislative process, not the merits of the legislation. The Appeals Court accepted the brief; the Illinois Supreme Court denied it. Both courts upheld the lower court ruling. Thus, Illinois no longer has straight-ticket voting.

**Term Limits** The LWVUS Board announced in 1991 that the League opposes term limits for members of the U.S. Congress. Delegates to the LWVUS 1992 Convention approved a motion allowing state and local Leagues to take action against term limits for state and local legislative offices based on the national position. The LWVIL Board approved extending the position to the Illinois General Assembly. Delegates to the 1993 LWVIL Convention concurred. In the fall of 1994, the League was prepared to oppose a proposed constitutional amendment to limit the terms of state legislators to eight years. The question was not placed on the ballot because the Illinois Supreme Court ruled that the petition calling for the referendum was unconstitutional.

Based on the national position, local Leagues may oppose term limits for their county/village board or city council without a local study. However, if a League wants to support term limits for these local officials, a local study and consensus must be conducted. A local position to support term limits cannot be based on issues of representativeness, accountability or effective performance, or on a dynamic balance of power between the executive and legislative branches because these criteria are the basis for the national and state positions opposing term limits.

The 1993 LWVIL Convention approved the creation of a statewide committee to research the issue of contested elections and to work towards reform legislation regarding automatic recounts of election results. The committee made a progress report at 1994 Interim Council; however, the resignation of the committee chair immediately after Council suspended work on this issue. No replacement chairperson was found and the item was not readopted at the 1995 LWVIL Convention.

**Election Systems** The 1997 LWVIL Convention adopted a Will of the Convention that directed a review of the State Election Laws positions, including consideration of proportional representation. The review committee concluded that proportional representation was too much to study in addition to the position review, and recommended the creation of a separate proportional representation task force. Volunteers for the task force were insufficient. Delegates at the 1999 LWVIL Convention adopted the revised state election laws position.

Delegates at the 1999 LWVIL Convention adopted a study of cumulative voting for the Illinois House contingent upon the League's receiving funding from an appropriate foundation source. The League received a grant from the Joyce Foundation in the summer of 2000. The League's state committee began its study of Election Systems in the fall. In order to meet the grant's requirements the study was expanded to include an examination of other methods for electing representatives besides cumulative voting.

In a caucus meeting at the 2001 LWVIL Convention, members of the state committee presented information and a progress report to convention delegates. The study was readopted by the convention. As a means for reaching member agreement, League members used a mail-in form to identify and rank criteria important for a good election system. Responses were received from members in 42 local Leagues and two members at-large. In January 2002, the state board reported the results and issued a position statement. The position is written in broad terms that will allow the League flexibility in evaluating any proposed electoral system. There is no reference to cumulative voting in the position because the response to the Election Systems questionnaire indicated that League members did not support a return to cumulative voting.

Although local Leagues were actively and repeatedly offered a prepared discussion model and pass-through grants to conduct public educational forums on the issue, the League was unable to meet the grant's requirement to engage the public in a discussion of election systems. Only one public forum was held. It drew a very limited audience but received good press coverage.

**Election Administration Reform** In February 2001, at the LWVIL Annual Legislative Briefing League members were given an overview of Illinois' decentralized election administration. During discussion members agreed that the League should undertake a deeper examination of Illinois' election administration. Following the 2001 Convention the League created the Election Administration Reform (EAR) Committee in response to the perceived problems relating to the November 2000 election. The EAR Committee, working under the League's Making Democracy Work Action Focus, was directed to examine the administration of elections in Illinois. For six years (2001-07) the committee undertook a number of activities, including meeting with representatives of the secretary of state, the state board of elections, and the disabled community. The committee surveyed local election officials and conducted three poll watching projects. In an effort to understand the decision-making processes affecting election administration the committee had ongoing contacts with several local election authorities. The committee reported its findings to League members through articles in the *Illinois Voter*, in memos, and in presentations at state meetings.

Among the issues that the committee looked at were: the use of students as election judges, polling place accessibility, testing and certification of voting equipment, limitations on the issuance of poll watching credentials, recruitment and training of election judges, voting rights for detainees, development of the statewide voter registration database, implementation of the federal Help America Vote Act (HAVA), and the effects of new voting equipment on the electoral process. The EAR Committee's work led to passage of two League initiated bills 1) allowing detainees awaiting trial to vote absentee; and 2) permitting civic organizations to poll watch. The detainee bill became law in 2005. The poll watching bill passed both Houses and was signed by the Governor in 2007.

The adoption of HAVA in 2002 forced Illinois and other states to make changes in the conduct of elections. HAVA provided federal funds to help states with implementation. Illinois moved quickly by creating a state planning committee to develop a HAVA state plan. LWVIL's president served on the planning committee. Early in the process steps were taken to replace the punch card voting equipment and to make administrative

changes not requiring election code amendments. Amendments to the Illinois Election Code were achieved with the adoption of Omnibus Elections bills in 2005 and 2006. Summary reports of these two bills were prepared and made available to local Leagues. Additional amendments were included in the 2007 Omnibus Elections bill.

Since the November 2000 election Illinois citizens have experienced many changes relating to elections and their administration due to altered rules for deputy registrars, the introduction of grace period voter registration and early voting, the use of provisional ballots, new rules for absentee voting and the widespread use of new voting equipment. The 2006 primary election was the first test of many of the new procedures and of new voting equipment. Many problems were identified and election officials worked to correct them before the November 2006 general election; however, that election revealed many technical problems in several election jurisdictions. They are being addressed through the combined efforts of the State Board of Elections, the affected local election authorities, and the voting equipment vendors. Reports from the April 2007 election showed fewer problems but turnout is typically low for odd-year spring elections. This may mean that not all problems have been detected. The major test for Illinois' reformed electoral process will be in 2008.

The League's revised election laws positions completed and adopted in 1999 enabled the EAR committee to take action when needed. In 2007, the EAR committee was dissolved and its findings were incorporated into the election laws position. (see page 35 for the new position statement).

**National Popular Vote Compact:** The Illinois General Assembly passed legislation that created an agreement among the states to elect the president under a National Popular Vote Compact. LWVIL took no action on this legislation. Delegates at the 2008 LWVUS convention adopted a fast-track study of the advisability of using the National Popular Vote Compact as a method for electing the U.S. President. At the time, Illinois was one of only four states that had adopted the compact. Illinois League members participated in the study. In May 2009 the national board announced the League's position: "The LWVUS affirms its support of the direct election of the president and abolition of the Electoral College, but the LWVUS has no position on the National Popular Vote Compact as studied in 2008-2009."

## **LWVIL GOVERNMENT POSITION: STATE FISCAL POLICIES**

**Support for a diversified revenue system which principally relies on a combination of broad-based taxes and user fees, is equitable, progressive, stable, responsive and simple.**

**STATE FISCAL POLICY** (1977, 1980, 1981, modified 1987, revised 1994): The LWVIL supports a diversified revenue system which principally relies on a combination of broad-based taxes and user fees, is equitable, progressive, stable, responsive and simple.

**Criteria** The LWVIL supports a state revenue system which overall is based on the following criteria:

- 1) Equity - Imposes similar amounts of tax on taxpayers in like circumstances.
- 2) Progressivity - Is based on ability to pay so that those with greater ability pay a greater percentage of their income.
- 3) Stability - Provides a stable source of revenue.
- 4) Responsiveness - Is able to capture and reflect long-term economic growth.
- 5) Simplicity - Is easy and efficient to administer and is understandable to the taxpayer.

**Income Tax** The LWVIL supports a progressive income tax with a graduated rate schedule. Until the Illinois Constitution is amended to allow graduated rates, the flat rate income tax should be made more progressive.

**Sales Tax** The LWVIL supports a broad-based sales tax with exemptions for food and medicines to reduce the impact on low-income persons.

**Property Tax** The LWVIL supports the use of the property tax for partially financing education and local government and services. We support uniform, efficient and professional tax assessment procedures.

**User Fees** The LWVIL supports user fees structured and levied with a sensitivity to low-income persons.

**Deductions, Exemptions and Credits** The LWVIL supports achieving policy goals through direct expenditures rather than deductions, exemptions and credits. If deductions, exemptions and credits are used, they should:

- 1) decrease the tax burden on lower income persons and further overall progressivity.
- 2) be periodically reviewed to justify continuation.
- 3) be the most efficient means of achieving their intended purpose.

**Local Implications** Distribution of state revenues to local government is an appropriate source of local revenue. LWVIL opposes statutory limits on local government's ability to raise taxes and spend revenue. Local services mandated by the State should have state appropriations linked to the mandate.

**Background** Several positions on taxation and assessment were developed through land use and tax structure studies during the 1970's and combined into one item in 1977. The 1979 LWVIL Convention adopted a comprehensive study of financing state and local government that included revenue sources, expenditure procedures and limitations on taxing and spending. Partial consensus was reached in 1980 on tax and spending limitations.

A comprehensive study of the revenue system began in 1980. The state board determined that the local League participation (less than 60%) in the consensus process was not an adequate basis for developing a state position. However, there was substantial agreement among the participating Leagues and the state board recommended to the 1981 LWVIL Convention that individual Leagues concur with the position statement. The convention adopted the recommendation, and concurrence was reached in the fall of 1981. In 1993, the state board appointed a committee to review the LWVIL Fiscal Policy position. The 1994 Interim Council approved a revised position.

The 1991 LWVIL Convention adopted an action focus on fair and adequate school funding. Implicit in this item was a commitment to work for a constitutional amendment for a graduated income tax as the most equitable means of securing the revenues needed to end the disparity in educational opportunity for Illinois children.

The League had supported a graduated income tax at the time of the 1970 Constitutional Convention. A political compromise, however, resulted in the approval of a flat rate income tax that was perceived at that time to be a fairer tax than it is today. Since then, the League has worked steadily to improve the progressivity of the flat rate tax by urging an increase in the personal exemption (see LWVIL Constitutional Implementation and Amendments position, pg. 11).

The 1993 LWVIL Convention adopted an action campaign to reform the state's tax system, including an initial focus to work for a constitutional amendment for a graduated income tax as a foundation for a fairer and more productive tax structure.

The 1995 LWVIL Convention approved the formation of a Working Committee on State Tax and School Funding Reform, reflecting a strong commitment to continued League activity in these areas and the recognition that long-term solutions for school funding will require reform of the state's tax system.

**LWVIL action** A number of League positions have been enacted into law. In 1979, legislation was enacted to require training in assessment practices and procedures for township assessors and to establish multi-township assessment districts with a minimum population of 1,000 by January 1981. Property tax bills are now required to contain more information, and citizen awareness of the appeals process has resulted in many more challenges to inequitable assessments.

During 1982-83, the State's ability to adequately fund services was eroded by recession, federal funding decreases and tax relief legislation. The League worked to increase awareness of the State's financial dilemma and to increase the state income tax. In 1983, a temporary 18-month increase in the income tax was enacted. Attempts to secure a permanent increase were futile. The League therefore supported a 5 percent tax on interstate telecommunications and an increase in the cigarette tax to fund education in 1985.

In 1986, the financial condition of the State of Illinois became substantially worse. Increases in public aid grants were again vetoed, and the 1985 Education Reforms were not adequately funded.

From 1986 - 1997, one of the League's top priorities was support for an increase in the state income tax in order to provide adequate funding for education and human services. The League formed CARE for Illinois, a coalition of over 100 organizations, which achieved partial success with the 1989 temporary income tax surcharge that was made permanent in two stages in 1991 and 1993.

The League continues to support increasing the amount of the personal exemption to reduce the burden on low-income families. LWVIL supported a sunset measure passed in 1994 for newly created exemptions, credits and deductions. The League has continued to oppose additional income tax exemptions and deductions that would further erode state revenue. The League opposed legislation enacted in 1991 to cap local property taxes for the collar counties and similar legislation enacted in 1995 for Cook County.

In the spring of 1991, the League began to promote discussion of a constitutional amendment for a graduated income tax as the best long-term solution to the State's persistent financial problems. These discussions led to the formation in 1993 of Progress Illinois, a statewide coalition of organizations chaired by the League, to spearhead a campaign to place a constitutional amendment for a graduated income tax on the November 1994 ballot. LWVIL and local Leagues mounted an extensive public education and lobbying campaign to generate support for a graduated income tax amendment. Although resolutions proposing a constitutional amendment were introduced in both houses of the General Assembly in the Spring 1993 legislative session, election year politics prevented the amendment from being called for a vote.

The League continued to work for progressive tax reform both in the context of its school funding efforts and in its work with Progress Illinois. As part of its public education and advocacy effort, the coalition commissioned two significant research projects from the University of Illinois Institute of Government and Public Affairs: (1) an analysis of Illinois' structural revenue deficit and (2) the development of computer models of Illinois' individual income and general sales taxes to analyze the impact of major tax reform proposals on the burden on taxpayers at different income levels and on revenue growth. Lawmakers, legislative staffs and others who analyze and evaluate both existing tax policies and a number of revenue proposals have used the models.

During the school funding debate in the spring 1997 legislative session, the League supported the Governor's failed call for an increase in the income tax and worked unsuccessfully to insert an increase in the personal exemption in the revenue package (see LWVIL Schools position, pg. 28). At the end of the spring 1998 legislative session, the General Assembly enacted a small, phased-in increase of the personal exemption.

The League opposed legislation passed in 1998 that allows income from multi-state corporations to be apportioned to Illinois by the sales factor. This narrowed the corporate tax base, at a time when the State has no long-term school funding solutions.

In June 2000, League spoke against the six-month suspension of the Illinois gas tax, stating that the projected two percent across the board reduction in state budgets would

adversely affect Illinois social services.

In 2001, LWVUS and LWVIL joined the "First Things First" coalition in advocating that the federal government put "first things first" and spend revenues on necessary government programs that the League supports, rather than tax cuts. League testified at a rally on April 11, 2002 and participated in a grassroots lobbying effort opposing the tax cuts.

The League advocated for progressive tax reform in the context of the school funding debate throughout the 1990s and during 2000-2009. Fiscal policy and school funding issues are closely connected because education is a large portion of the State budget. Other League positions are also affected because the State has insufficient revenues to provide for many of the needs which the League has identified. The League did prepare a statement in 1999 opposing gambling as a solution to Illinois' fiscal problems (see Appendix, page 81). The League joined A+ Illinois (which has ended after losing its funding), Better Funding for Better Schools, and a new coalition called the Responsible Budget Committee. These coalitions are working to raise state revenues in order to improve school funding and pay for necessary state services. The League promoted legislation which would increase the income tax, broaden the sales tax to include services, and provide some property tax relief. Ralph Martire from the Center for Tax and Budget Accountability and other informed presenters spoke at many state and local League meetings to educate citizens on the issues and to promote measures which would ensure that state tax, fiscal and spending policies are fair, provide adequate revenues and promote economic growth.

At the 2003, 2005, 2007, and 2009 LWVIL Conventions, Leagues voted to adopt an action focus on State Fiscal Policy and School Funding for the following biennia. From 2003-2009, LWVIL and local Leagues attended LWVIL Legislative Briefings, Lobby Days, and meetings with legislators. Local Leagues held public forums to educate League members, legislators, and the public on school funding and fiscal policy issues. League members attended rallies in Springfield, wrote letters and e-mails and made phone calls to legislators to urge the governor and legislators to pass legislation which would increase state spending on schools and social services and would increase state revenues by raising the income tax, broadening the sales tax, and providing property tax relief.

The 2007-2009 Biennium was a grim time to advocate for change in the way that the state of Illinois raised revenues. The deadlock between former Governor Blagojevich and the General Assembly meant that very little was accomplished. Governor Quinn and the General Assembly continued the disagreement over how to pay for the government and repair the structural deficit. The government continues to ration the funds on hand by delaying payments to schools and social service providers and by postponing payments to the state pension systems. The state's deficits for FY 09 and FY 10 are projected to total \$14 billion. The state's fiscal problems have been magnified by the national recession which caused state revenues to decline at the same time that the need for state programs increased. The federal stimulus money will provide some aid, but will not be enough to solve the state's problems.

(See also, LWVIL Schools position, pg. 28)

## **LWVIL GOVERNMENT POSITION: STATE REDISTRICTING**

**Support for a redistricting process which is timely, orderly and meets the basic criteria relating to population, compactness and contiguity and the requirements of the 1965 U.S. Voting Rights Act and subsequent amendments.**

**STATE REDISTRICTING (1993):** The League supports a redistricting process which is timely and orderly and which includes a formal announced timetable, makes information and related data available to all who wish to participate in the process, offers ample opportunities for expert testimony and public reaction to the proposed maps, encourages compromise among partisan representatives, avoids a partisan stalemate, and results in maps which offer the voters a choice of candidates for election.

The League supports the following criteria for drawing state legislative districts:

- 1) Population equity: The average deviation among all districts in each house shall not exceed a range of 1 percent, with no more than a 5 percent variance between the most populated and the least populated districts. Districts shall be based on current census statistics.
- 2) All districts shall be drawn in compliance with the United States Voting Rights Act of 1965 and subsequent amendments.
- 3) Compact and contiguous: All districts shall be compact, with the smallest perimeter possible, and contiguous, adjacent to one another with more than a single point of contiguity. Areas connected only at points of adjoining corners are not contiguous.
- 4) Boundaries:
  - a) The number of counties, towns and cities divided among more than one district shall be as small as possible.
  - b) Districts shall follow existing political boundaries (i.e., county, municipal, ward lines), as far as possible.
  - c) No city block shall be subdivided, since a city block is the smallest parcel for which census data are available.
  - d) Where possible, district lines shall follow permanent and easily recognized features, such as toll ways, expressways, highways, streets, rivers, and clear geographical features, and when practical, shall coincide with census tract boundaries.
- 5) No district shall be drawn with the intent to favor a political party or incumbent legislator or congressman.

- 6) Each state senatorial district shall consist of two entire house districts as currently stipulated in the state constitution. Ideally each state senatorial district shall be entirely within a single U.S. Congressional district.

These criteria may be applied to any redistricting process.

**Background** Prior to the adoption of the 1970 Illinois Constitution, LWVIL developed a position relating to apportionment that included a preferred method for redistricting legislative districts after each decennial census. Article IV, Section 3 of the 1970 Constitution details procedures to be followed in legislative redistricting. Four redistrictings have taken place using these rules. In 1981, 1991, and 2001, because there was no agreement on the proposed maps in either the legislature or the Legislative Redistricting Commission, it was necessary to select a tiebreaker member for the Legislative Redistricting Commission. The selected maps reflected the partisanship of the tiebreaker member's vote. Suits were filed each time and the new legislative districts were determined based on court rulings.

In 1992, LWVIL created a Redistricting Task Force to develop a position for local Leagues' concurrence. Delegates to the 1993 LWVIL Convention adopted the position on State Redistricting.

Delegates to the 2009 LWVIL Convention adopted the Action Focus: True Census Count 2010 & Redistricting Reform. The goal is to promote the full participation of all Illinois residents in the 2010 Census. LWVIL will work actively with a broad based coalition of organizations to achieve a full count. The League recognizes the need for a redistricting process that is timely, orderly and meets the basic criteria relating to population, compactness and contiguity and the requirements of the 1965 U. S. Voting Rights Act and subsequent amendments. The Census 2010 count impacts the number of Congressional Districts assigned to Illinois and the amounts of federal dollars that will be returned to the states. The Census 2010 results will also be used to draw state and local legislative and ward maps.

**LWVIL action** In 1992, Illinois' Secretary of State created a Bipartisan Review Commission to consider reforms in Illinois' Procedures for Re-mapping Legislative Districts. With the adoption of its State Redistricting position, the League was prepared to comment on this commission's recommendations.

The Review Commission was reconvened in 1998 and submitted its report to the governor early in 1999. The commission recommended changes that required a constitutional amendment. A Senate Joint Resolution, calling for submitting a proposed constitutional amendment to the voters, was introduced in May 1999. The amendment to Articles IV and XIV would have changed the way in which the State redistricts the Illinois House and Senate. If passed by both houses, the proposition would have been voted on in November 2000. If approved by the voters, it would have taken effect beginning with redistricting in 2001. The League was represented on the commission. Since the General Assembly never adopted the resolution, there was no opportunity to vote on the new redistricting process. In response to requests from legislative staff, the League submitted a copy of League's redistricting position to both the House and Senate Redistricting Committees. Redistricting statements were made to legislative committees, which held hearings around the state.