



Bulletin

The League Of Women Voters of Maplewood
and South Orange

PO Box 1255, Maplewood, NJ 07040-0455

October 2008

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Customer Service Center in West Orange, Columbia High School and Maplewood Green Day.



A Message from your LWV Management Team

As you know if you have listened to radio or television, read a newspaper or surfed the Internet, this is election season. League members have been actively involved in registering and educating voters. We registered voters for the first time at the VA Hospital in East Orange after the Department of Veterans Affairs changed its policy. We also registered voters at the PS&G

We have registered about 150 voters and distributed voter registration forms to 350 voters. Many thanks to those who participated in this effort including: Michelle Bobrow, Barbara Belasco, Lindy Wilson, Pat Thornton, Mila Jasey, Margery Cohen, Dorothea Hoffner, Susan Joseph, Mattye Gandel, Claire Asarnow, Doris Younger, Anita Shapiro, Susan Titelbaum and Cynthia Jacobson.

It is not too late to register to vote or to apply for an absentee ballot. See dates below. Remind your friends and neighbors to vote. Also there is a need for poll workers (an application is enclosed). We are needed to act as poll

monitors and to answer voter hotlines (see "Volunteers Needed" below).

LWVNJ candidates' questionnaires are on the web now. See details below. The two ballot questions are also enclosed. The LWVNJ did not take a position on either one.

This summer we have also raised more than \$2000 to fill a large hole in our League budget by counting votes at a condominium election in West New York. We enjoyed working together, viewing the beautiful New York skyline from West New York and snacking on Hispanic pastries served by our hosts. Many thanks to Barbara Belasco, David Belasco, Michelle Bobrow, Martha Gardner, Julie Stern and Lindy Wilson for their help.

If you have not paid League dues since July 2008, it is time to pay your League dues now. See enclosed form. You are invited to all Board meetings. Also we welcome members who would like to join the Board.

Your Management Team

Barbara Belasco
Michelle Bobrow
Margery Cohen
Martha Gardner
Lindy Wilson



What is OPRA/OPMA?

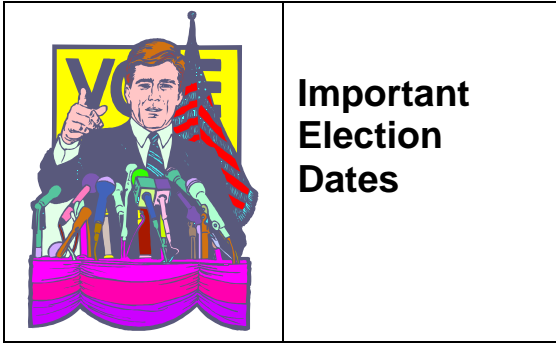
In September our league sponsored a meeting about the Open Public Meetings and Open Public Records Acts.

John Paff, the chair of the NJ Libertarian Party's Open Government Advocacy Project, spoke at the meeting. The Project's goal is to make government at all levels more open and accountable. Mr. Paff told us that the common law balances government's need for confidentiality against individual rights.

New Jersey enacted the Open Public Records Act in 2002, to enable citizens to access records in a timely fashion (seven business days). A request form is often available online, with each specific governing body (municipal, county, state, etc.) requiring its own form. The statute places the burden on the governing body to provide or to deny the request, for exceptions which are listed in the act. Under the law, failure to respond to the request is considered a denial. If the custodian illegally denies access, a \$1000 fine can be imposed. Appeals can be made to the Government Records Council with no filing fee, acting as your own attorney. The loser may appeal to the Appellate Court. The web site is:

<http://www.state.nj.us/state/opra/>

The Open Public Meeting Act was enacted in 1975, mandating that government bodies must notify the public of meetings which are open for observation. The public must be allowed to speak. In executive or closed sessions, governing bodies can discuss such items as personnel, litigation, contract negotiations. Meeting minutes must be comprehensive and available promptly. These provisions are enforced through the county prosecutor's office by civil action, and court costs can be reimbursed but not attorney fees. Minutes should be available, in draft form, before the next meeting, at which time they can be approved.



Important election dates:

October 14	Last day to register or change voting address for general election.
October 28	Deadline for a mailed application for absentee ballot to arrive at the County Clerk's office.
November 3	3 PM deadline for applying for an absentee ballot in person at the County Clerk's office.
November 4	General Election Day (polls open from 6 am to 8 pm)

NOTE: If you vote by absentee ballot, be sure use sufficient postage. Some post offices are returning ballots for insufficient postage.

Candidates Questionnaires

Candidate questionnaires are now available online!

LWV NJ sent out ten questions to all candidates running for the U.S. Senate seat and every U.S. House of Representatives seat. Those questions and the replies by the candidates are now available online at the LWV NJ's newly designed election page, www.lwvnj.org/elections/ for you

to download and distribute. Unfortunately incumbent Congressmen Pascrell (District 8) and Payne (District 10) did not respond, but their opponents did.

This page is also where you can find all sorts of great information for the upcoming election including the ballot questions, our Voter Protection Palm cards in English and Spanish, voter registration forms, and much more!

Volunteers Needed

Election Day isn't just about choosing your candidate. It's about keeping the foundation of democracy strong.

This November, the American Civil Liberties Union of New Jersey and League of Women Voters of New Jersey are looking for your help to monitor the polls and answer voter hotlines as part of a statewide election protection effort during the 2008 general election.

As a poll monitor, a non-partisan role, on November 4 you would offer voters information about their rights and conduct exit polling about voters' experiences casting their votes across the state. Monitors also let voters know about the voter protection hotline, their options for getting help with their voting rights at the polls and the right to appeal a challenge keeping them from voting in court. There will be attorneys on hand to assist voters and poll monitors who encounter problems at the polls.

What to expect:

Volunteers will be assigned to specific polls in four-hour shifts.

Volunteers must attend a three-hour training session in the weeks before November 4. Trainings will be held in afternoon, evening and weekend sessions to accommodate your schedule.

You will work as part of a team, with another volunteer at your assigned polling site, and with ACLU-NJ and LWVNJ staff available to assist you as needed.

Polling sites will be in Newark, Elizabeth, Hoboken, Hackensack, Trenton and New Brunswick, among other cities. They will try their best to accommodate specific requests, based on availability and need.

What you'll need at the polling sites:

Volunteers must have cell phones to keep in contact with election protection staff.

Volunteers must provide their own transportation to and from their polling sites.

Volunteering for the hotline:

The two hotline sites are the LWVNJ office in Trenton and the ACLU-NJ office in Newark.

Volunteers must also attend a three-hour training session before November 4.

Volunteers must have their own transportation to the offices, but both are accessible by public transportation.

To volunteer for the Voter Protection 2008 Project, contact:

Jesse Burns, League of Women Voters of New Jersey at 609-394-3303 or adnub@lwvnj.org

Anne Barron, Project Coordinator, at 973-642-2084 x 27 or email ep2008@aclu-nj.org

The LWVNJ Trenton office is already swamped with telephone calls. If you have a couple of hours to donate during the week leading up to the general election (November 4), the League needs you!

The LWVNJ has plenty of resources at hand to help you easily answer any question and know there is a tremendous satisfaction that comes from talking with voters directly. You can hear in their voice how relieved they are that you:

- 1) are a live person, not a menu, and
- 2) can provide them with the information they are looking for!

To learn more or to sign-up, please email Jesse Burns at admin@lwvnj.org.

LWVUS Convention

In June, Lindy Wilson and Barbara Belasco attended the League of Women Voters of United States Convention in Portland, Oregon.

Portland is a wonderful city with a free mass transit system and wonderful shopping and restaurants. The downtown was rebuilt with 25 year plan (1950-1975). Portland is walkable with short blocks, many street sculptures funded with a 2% business tax, no sales tax and an esplanade along the river.

The LWVUS delegates voted to raise the current PMP (per member payment) from 26.80 to \$28 in fiscal year 2008-2009 and then to \$29.20 in fiscal year 2009-2010.

The following national program was adopted:

Retained all existing positions- Representative Government, International Relations, National Resources, Social Policy.

Amended Principles-added “The LWVUS believes that all powers of the US government should be exercised within the constitutional framework of a balance among the 3 branches of government.”

Adopted a health care program to educate members and communities to be prepared to do health care advocacy as needed.

Adopted a multi-level education and advocacy **campaign** to promote solutions to **global climate change**.

Adopted a study of the advisability of using the **National Popular Vote Compact** among the states as a method for electing the President. New Jersey is 1 of 5 states which have passed the **National Popular Vote Compact**. On January 3, 2008, the New Jersey Senate passed the National Popular Vote bill (S2695 A4225), sending the bill to Governor Jon Corzine for his signature.

It guarantees a majority of electoral votes to the presidential candidate with the most popular votes. Its provisions will be implemented after states with 270 electoral votes approve. While it is an attempt to reform the Electoral College, it could result in NJ casting electoral votes for a candidate who did not win the popular vote in NJ.

The excellent speakers at the Convention included V. Ramanathan, a Nobel Prize winner, from the Scripps Institute. He stated that climate change is a global justice issue, which we must solve collectively. It is both an urban and rural problem, and will result in extreme weather including droughts and floods. Interestingly 60% of the soot in the air is caused by open hearth cooking in developing countries.

John Kitchaber, a medical doctor and former Governor of Oregon (1994-2000), spoke about health care reform. He said the focus of reform is on finance and not what are we buying. 70-80% of the health care dollars are spent on chronic diseases. We are leaving a huge debt to our children.

Ballot Questions

Voters Decide Yes or No on Two Ballot Questions

Public Question #1

VOTERS TO APPROVE STATE AUTHORITY BONDS PAYABLE FROM STATE APPROPRIATIONS

QUESTION

Do you approve the proposed amendment to the State Constitution which provides that, after this amendment becomes part of the Constitution, a law enacted thereafter that authorizes State debt created through the sale of bonds

by any autonomous public corporate entity, established either as an instrumentality of the State or otherwise exercising public and essential governmental functions, such as an independent State authority, which debt or liability has a pledge of an annual appropriation as the ways and means to pay the interest of such debt or liability as it falls due and pay and discharge the principal of such debt, will be subject to voter approval, unless the payment of the debt is made subject to appropriations of an independent non-State source of revenue paid by third persons for the use of the object or work bonded for, or are from a source of State revenue otherwise required to be appropriated pursuant to another provision of the Constitution?

INTERPRETIVE STATEMENT (on the ballot)

This amendment to the State Constitution will require voter approval of new laws that allow the State to borrow money by issuing bonds through any State agency or independent authority backed by a pledge of an annual appropriation to pay the principal and interest on the bonds. New laws to allow the issuance of these State authority bonds for State government purposes will be subject to voter approval. State courts have ruled that the State constitutional requirement that the Legislature and Governor must seek voter approval for bonded debt does not apply to such borrowing. That requirement is followed only for proposed State bonds that contain a binding, non-repealable pledge to pay off the bonds directly with State taxes. Most State authority bonds can be issued without voter approval because the payment of the bonds is backed only by a promise of the Legislature and the Governor that they will enact appropriations in the future to meet the bond payments. The courts have said this is a legal means of avoiding submitting the issuance of debt for voter approval. Laws to permit such debt that are enacted after this amendment becomes part of the Constitution will have to authorize voter referenda for approval of such debts.

Exceptions to voter approval for authority bonds will be permitted if the bonds are to be paid off from 1) a source of revenue dedicated by the State Constitution, which only the voters can establish, or 2) an independent non-State government source of payments for use of projects built or obtained with the borrowed money, such as highway tolls or user fees.

Background:

This question is an amendment to Article VIII, Section II paragraph 3, the debt limitation clause in the State Constitution. That clause limits the Legislature from creating any debts greater than one percent of the annual budget without approval of the voters. The Supreme Court of New Jersey has ruled that the debt limitation clause does not apply to municipalities, counties or independent bodies such as State authorities. The Court found that appropriation debt incurred by State authorities without a vote of the people is not “State debt.”

This ballot question, if approved, will add language that requires voter approval for State authorities to borrow money to finance projects. At the present time only legislative approval is required for State authorities to borrow money to finance projects.

Authorities, which exist at the state, county and municipal levels, are independent public corporations created to finance, build or maintain public capital projects. Some examples of State authorities are the Economic Development Authority,

Garden State Preservation Trust Authority, Health Care Facilities Authority, Sports & Exposition Authority, and the Transportation Trust Fund Authority. The bonds that authorities sell depend on their repayment from money collected from user fees or from appropriations by the governing body as part of the budget process. As the number of independent State authorities and projects undertaken has increased over the years, so has the amount of debt subject to appropriation by the State Legislature. Although not carrying the full faith and credit of the State as do general obligation bonds approved by the voters, it is unlikely that the State would default on these bonds because of the impact on its future ability to borrow.

If this question is approved by the voters, future debt of State authorities will require voter approval. There are two exceptions to this voter approval.

(1) If the money borrowed by a State authority will be repaid by user fees. An example would be the Turnpike Authority borrowing for road construction with repayment based upon tolls collected or

(2) If an authority borrows from a State revenue source that is constitutionally dedicated for specific uses. An example is the Transportation Trust Fund Authority borrows for projects against the constitutionally dedicated gasoline tax. Likewise the Garden State Preservation Trust Authority borrows from the constitutionally dedicated portion of the sales tax.

Reasons to Vote Yes:

Supporters believe the framers of the Constitution envisioned public approval for borrowing since the debt limitation clause was in the 1844 and 1947 Constitution.

State authorities have been used increasingly for the purpose of bonding for projects.

Citizens need to constrain the Legislature from borrowing without voter approval. The November 2007 State of New Jersey Debt Report places general obligation debt (approved by voters) at 2.8 billion dollars. By contrast, the same report puts debt subject to appropriation (State authority bonds) at 25.2 billion dollars.

Reasons to Vote No:

We have a representative form of government. It is the job of the Legislature, elected by the people, to make funding decisions. Voters should not constrain the Legislature which must weigh the need for public capital projects against available resources.

Passage is likely to make it more difficult to address regional capital or infrastructure needs that will not have support of the entire state.

Ballot questions cannot accurately present complicated appropriation issues to voters for an effective government process.

Public Question # 2

PROVIDES THAT METHOD OF SELECTION AND APPOINTMENT OF CERTAIN MUNICIPAL COURT JUDGES BE SET BY STATUTE RATHER THAN BY THE CONSTITUTION

QUESTION

Shall the amendment to Article VI, Section VI, paragraph 1 of the New Jersey Constitution, agreed to by the Legislature, providing that judges of inferior courts with jurisdiction extending to more than one municipality be appointed as provided in law rather than as provided in the Constitution which requires nomination by the Governor and appointment with the advice and consent of the Senate, be approved?

INTERPRETIVE STATEMENT (on the ballot)

This constitutional amendment would provide that the method of selection and appointment of certain municipal court judges would be set by statute, rather than be provided for in the Constitution. These judges may include judges of joint municipal courts and judges of central municipal courts with jurisdiction extending to the territorial boundaries of a county. This constitutional amendment does not preclude the possibility that a statute would continue to provide for nomination by the Governor with the advice and consent of the Senate, but it does permit a statute to set forth another method of selection and appointment that may not involve the Governor and the Senate.

Background:

Inferior courts are municipal courts. Inferior courts with jurisdiction extending to more than one municipality are joint municipal courts or central municipal courts. If two or more municipalities establish a joint municipal court, Article VI, Section VI paragraph 1 of the State constitution provides that the Governor with the advice and consent of the Senate appoints the judge of the joint municipal court. A county with a county police department or county park police force may establish a central municipal court whose jurisdiction is the county. Since the boundaries of a central municipal court include more than one municipality, these judges are also appointed by the Governor with the advice and consent of the Senate. In contrast, the judge for a municipal court with jurisdiction only within the boundaries of the town is appointed by that municipality's governing body. This latter power is provided for in law not the Constitution. If this ballot question is passed, this amendment will essentially delete from the State Constitution the appointment power of the Governor for "judges of the inferior courts with jurisdiction extending to more than one municipality." That is the first step in changing the appointment power. Legislation must then be introduced to place in the law, rather than the Constitution, how joint and central municipal court judges are appointed.

Reasons to vote yes:

Appointment of municipal court judges should be a local issue. Removing the Governor's appointment power for some municipal judges from the Constitution is the first step toward this goal.

Proponents believe that removing the Governor and Senate from the appointment process will make it more likely that towns will explore consolidating municipal courts.

Reasons to vote no:

The courts in question operate as regional courts and appointment by the Governor with the advice and consent of the Senate ensures that the interest of

the entire region is considered.

The current process makes local politics less likely to play a part in the appointment process. The Senate Judiciary Committee and full Senate are required to vote on the appointment.

Reminder: Pay your dues!



THE LEAGUE OF WOMEN VOTERS
OF MAPLEWOOD & SOUTH ORANGE
P.O. Box 1255
Maplewood, NJ 07040

I would like to continue my support through membership in the League of Women Voters of Maplewood and South Orange.

Enclosed please find:

- _____ \$50 for individual membership
- _____ \$70 for household membership
- _____ \$20 for student membership
- _____ Additional contribution of \$_____ (Thank you!)

Name: _____

Address: _____

Phone: _____ email: _____

Are you interested in serving on a committee?

- Please include me on the following committees: (please circle)

Membership, Forums/Debates, Fund Raising, Program Planning, Voter Service, Management Team, Communications, Programs, Nominating Committee

- I would be interested in assisting the following Board members: (please circle)

President, Vice-President, Secretary, Treasurer, Membership, Bulletin Editor, Webmaster

- No, not at this time, but please keep me in mind for the future (please circle)

Areas of Interest:

Return your check to: **The League of Women of Maplewood and South Orange**
P.O. Box 1255, Maplewood, NJ 07040

Poll Worker Application

(Please print clearly in ink)

1. _____
First Name Middle Last Name

2. _____
Address City Zip Code

3. _____
Mailing Address (if different than above)

4. _____
Home Telephone # Cell Phone #

5. _____
Social Security # (Mandatory)

6. Are you a Registered Voter? Yes No

7. Have you ever served as an Election Board Worker? Yes No

8. Would you accept assignment to another town in your county? Yes No
(if you checked yes, please list below what town(s) you prefer)

9. State the Political Party to which you belong? _____

10. Do you speak any other language in addition to English? Yes No
If so what language(s)?

Signature

Date

Please mail or fax completed form to:

Essex County Board of Elections
Hall of Records
465 Dr. Martin Luther King Jr. Blvd.
Room 411
Newark, NJ 07102
Tel: 973 621-5071
Fax: 973 621-2540

Calendar LWV of Maplewood and South Orange		
October	14 15 28	Last day to register or change voting address for general election. Essex County Board of Freeholders Meeting, Maplewood Municipal Building, 7 PM Deadline for a mailed application for absentee ballot to arrive at the County Clerk's office.
November	3 4 12	3 PM deadline for applying for an absentee ballot in person at the County Clerk's office. Election Day (polls open from 6 am to 8 pm) Post-Election Thoughts , Professor Patrick Fisher, Seton Hall University, 7:30 PM
Note: Contact Margery Cohen at 973-762-1618 for locations of LWV Board Meetings and for a ride to a meeting.		

**League of Women Voters of
Maplewood and South Orange**
PO Box 1255
Maplewood, NJ 07040-0455

League of Women Voters, a non-partisan political organization, encourages the informed and active participation of citizens in government and influences public policy through education and advocacy.