



WASHINGTON STATE VOTER

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The League of Women Voters of Washington, 4710 University Way NE, #214, Seattle, WA 98105
Tel: 206-622-8961 FAX: 206-622-4908 (outside toll area 1-800-419-2596) email: lwvwa@lwvwa.org

Judy Golberg, President
J. C. Sears, Editor

League of Women Voters of Washington 2005 Legislative Session Issues

We advocate and support:

Children & Welfare

- Funding programs that promote safe and healthy development of all children including developmentally appropriate childcare, with flexible hours, infant/toddler care, and transportation
- Legislation that keeps children safe in the environment and in the home, especially reduction of toxic exposures
- Provide community resources for children experiencing child abuse, neglect and domestic violence

Education

- Equitable and sufficient public financing of all levels of public education
- Simple majority vote for passage of school levies
- Education and training essential for family-wage employment

Energy

- Incentives for utilities to diversify their energy resources with clean, renewable energy and energy efficiency
- Energy bill-payment assistance for low income households
- Adopt green building principles in the construction of state funded buildings

Global Climate Change

- Incentives for businesses and individuals to utilize renewable energy sources
- Increased vehicular fuel efficiency, and funding for mass transit
- Incentives to increase rail transport of goods and produce

Government

- Protecting the right of all citizens to vote and encouraging all citizens to vote
- Public financing of political campaigns for legislative and statewide offices
- Legislation providing voters with information on: effect of initiative and referendum on revenue and budget, sponsors and financial supporters, and advisory opinion on constitutionality

Growth Management and Land Use

- Provisions and implementation of Growth Management Act (GMA)
- Emphasis on sustainability in community and economic development legislation

Gun Control

- Closing the gun show loophole and reducing illegal access to firearms

Health Care

- Implementation of the prescription drug purchasing pool
- Maintaining a single insurance pool for the small business market
- Enact mental health parity

Natural Resources

- Protection of water resources, including groundwater, surface water and marine water, aquatic wildlife and habitat
- Provisions and implementation of State Environmental Policy Act (SEPA)
- Preservation of forests

Reproductive Rights

- Action to protect the constitutional right to privacy of the individual to make reproductive choices

Taxes

- Including income as part of the state tax base

Transportation

- A balanced transportation system including appropriate infrastructure

For a detailed explanation of the League's position on these and other priorities, please refer to LWVWA publication, *Program In Action*, which can be obtained from the state League office or online at www.lwvwa.org. Or contact the State Action Chair, Lobbyist or applicable Portfolio Chair. To follow legislative events, subscribe to the League's weekly *Legislative Newsletter*.

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**Board Splinters**

Splinters from November and January Board meetings
 (11/12/04 and 1/15/05)

- Approved revised Policies & Procedures
- Approved Legislative Issues list for 2005 Legislative session
- Reaffirmed approval of the four environmental priorities
- Lobby Team to meet every Thursday throughout session
- Convention is scheduled for Seattle University, June 24-26; theme is *Diversity*



The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government and influences public policy through education and advocacy. Any person of voting age, male or female, may become a League member.

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Voting Inside and Outside the Box Consensus

As Approved by LWVWA Board of Directors

LWVWA Supports:

- verifying the accuracy of election equipment by providing independent, voter verifiable ballots that can be recounted when a recount is needed
- automatic, mandatory audits of election results of randomly selected precincts
- extending HAVA deadlines and the protection and provision of HAVA funds to states
- the present system, allowing voters in most counties the choice of voting by mail or going to a polling place
- certification of Washington State election equipment using Washington State certification methods. Washington State should be able to certify and use equipment whether or not it is in use in another state

**Spring *VOTER* Deadline
 March 11, 2005**

CALENDAR OF EVENTS

March 12 **LWVWA Board Meeting**
June 24-26 **LWVWA Convention - Seattle**

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Our sincere appreciation to Judy Hedden, LWVWA immediate past president, for providing our organization with

professional websites and keeping us in the forefront as a terrific online resource! Judy has been serving as www.lwvwa.org webmistress as well as developing online voter service projects and the www.washingtonvoter.org website. Judy is retiring from these positions. We are now in the market for replacement(s) for her! Anyone interested, please let me know.

LWV Benton-Franklin again offered to organize a Wine Raffle to raise \$5,000 to help with our overhead costs. We are asking local Leagues to contribute, as they did last year, either bottles of wine that have been purchased (send us the receipts please) and/or other donated prizes. Local Leagues will be contacted with details. When we all pitch in, we succeed! The prizes will be awarded at convention in June.

Speaking of convention, LWV Seattle is making preparations for us at Seattle University, June 24-26. The theme is "Diversity". The Budget, Bylaws and Nominating Committees are at work.

Thanks to Judith Sears for accepting the responsibility of VOTER Editor. Judith is a brand new League member and answered the request for a volunteer.

Have you checked the website lately?
www.lwvwa.org

Judy Golberg
(206) 622-8961, (509) 627-5347 (h)
lwvwa@lwvwa.org, jgolberg@charter.net

**OPPORTUNITY - JOIN THE
MARKETING TEAM!**

Ready to Sell!

THE STATE WE'RE IN - WASHINGTON

Add your expertise and energy to the strategy and legwork that is needed to put this book in the hands of students everywhere in the state of Washington. The goal is to sell 10,000 books by May 30. The target is Middle School but it is also appropriate for high school and citizenship classes. Seattle U Law School and the Evergreen State College use it.

Written by Jill Severn with graphics by Leslie Hoge, the book is attractive, interesting and provocative. Our students deserve good well-written civics/history books. A classroom set of 25 copies, a teacher's guide, web support, and more is attractively priced at \$250. The whole package is tax-deductible if donated to a school.

Former governors, superintendents of public instruction, and others in schools and districts across the state, would like to see them in every middle school social studies class.

If you are a teacher or once taught, this is an opportunity to get new books in the schools AND promote civics education AND get experience. See the cover, read a chapter, and get the order form at www.washingtonvoter.org

Call Karen Verrill 360-866-6187 or the state office 206-622-8961 or 800-419-2596 for more information and to volunteer.

COALITION DRUG POLICY PROJECT

This article is about a major research project regarding the War on Drugs, in which the LWV Seattle Chapter (LWVSEA) is participating along with the Washington State and King County Medical Associations, the Washington State Pharmacy Association, the Church Council of Greater Seattle, the Washington Academy of Family Physicians, the Washington State Bar Association and the Washington State Psychiatric and Psychological Associations, as well as other organizations. The leader of this project is the King County Bar Association (KCBA). In the fall of 2000 the KCBA established the Drug Policy Project to examine current state and federal drug policies and to find more practical, effective and humane alternatives for reducing the harm caused by drug abuse. The effort is intended to foster a more open and honest dialogue about drug policy among professionals, public officials and the public at large.

The principal objectives of this drug policy reform effort are:

- reductions in crime and public disorder;
- improvement of the public health;
- better protection of children; and
- wiser use of scarce public resources.

As shown in the initial results of its study - a 2001 Project report entitled "Is it Time to End the War on Drugs?" - by any measure, current drug control policies have failed to achieve those objectives. This report adopted a comprehensive statement on drug policy, asserting that the current "War on Drugs" is fundamentally flawed and is associated with numerous negative societal consequences, including:

- the failure to reduce problematic drug use, particularly among children;
- dramatic increases in crime related to prohibited drugs, including economic crimes related to addiction and the fostering of efficient and violent criminal enterprises that have occupied the unregulated and immensely profitable commercial market made possible by drug prohibition;
- skyrocketing public costs arising from both increased drug abuse and increased crime;
- erosion of public health from the spread of disease, from the concealment and inadequate treatment of addiction and from undue restrictions on proper medical treatment of pain;
- the abridgement of civil rights through summary forfeitures of property, invasions of privacy and violations of due process;
- disproportionately adverse effects of drug law enforcement on the poor and persons of color; and
- the clogging of the courts and compromises in the effective administration of justice, as well as a loss of respect for the law.

The full report is available at:

www.kcba.org/drug_law/druglaw_index.htm

With this report the Drug Policy Project went forward with several Drug Task Forces to come up with improved strategies for (I) treatment/health care, (II) education/prevention/cultural change, (III) state regulation and (IV) criminal and civil sanctions. The Project recognized the breadth of federal drug law as a major impediment to any fundamental and meaningful drug policy reform and asserted that federal law should permit the states to develop their own drug control strategies and structures, using the following principles to guide such state-level efforts:

- Any public policy toward drug use should seek to result in no more harm than the use of the drugs themselves;
- Any public policy toward drug use should address the underlying causes and the resulting harms of drug abuse instead of attempting to discourage drug use through the imposition of criminal sanctions;
- The state should regulate the use of drugs in a manner that recognizes citizens' individual liberties while answering the need to preserve public health, public safety and public order, especially providing compassionate treatment to those in need; and
- The state should regulate the use of drugs in a manner that uses scarce public resources as efficiently as possible.

The Task Force on the Use of Criminal Sanctions made several significant findings:

- A large number of drug offenders now being sentenced to prison in Washington are indigent and homeless and are arrested for selling very small amounts of drugs to support their own dependency.
- In the last dozen years, since the toughening of drug-related criminal sanctions at both the state and federal levels, rates of drug use and drug abuse have either remained relatively steady or have increased. While arrest rates for other crime categories have held steady or risen only modestly over the last 15 years, arrests for drug offenses have increased in Washington by 345%.
- Violent crime is associated with alcohol far more than with any illegal drug, including cocaine and heroin.
- Combined federal and state expenditures on an annual basis for drug law enforcement have risen from about \$10 billion in the mid-1980s to about \$35 billion in 2001.
- The War on Drugs has promoted crime at the local, national and international levels. The international business in illicit drugs generates about \$400 billion in trade each year.
- The criminalization of drugs has undermined public health in many ways.
- At least half of King County's criminal caseload is drug related. The U.S. now leads the world in per capita imprisonment, and many of those prisoners are non-violent drug offenders. [This December New York

passed legislation to significantly reduce the long sentences imposed for drug crimes.]

- Corruption among criminal justice officials has risen dramatically during the War on Drugs.
- Experience with Arizona and California statewide initiatives that mandate treatment instead of incarceration for non-violent drug offenders shows that mandating treatment as the primary response to drug use has resulted in significant cost savings to the state and has reduced recidivism rates.

A forum on Race, Class and the War on Drugs was held on December 5, 2002, and sponsored by the KCBA and the LWV of Washington, among others. Twenty-six speakers addressed subjects including “Racial Disparity in the Criminal Justice System and the War on Drugs,” “Collateral Harm of Drug Law Enforcement in Minority and Poor Communities,” “How to Reduce the Harm” and “Prospects for Reform.” Some of the points made at the forum regarding race and drug law enforcement are set forth below.

- While approximately 72% of all illicit drug users in America are Caucasian (non-Hispanic), 15% are African American and 10% are Latino, which is comparable to their relative proportions of the general population: 71% Caucasian (non-Hispanic), 12% African American and 12% Latino, for the year 2000, of all arrests nationally for drug offenses 64% were Caucasians (incl. Hispanic) and 34% were black.
- For violations of federal drug laws in 1999: (i) Arrests: Caucasians (non-Hispanic) 76%; blacks 31%, (ii) Charges brought: Caucasians (non-Hispanic) 25%, blacks 28%, (iii) Sentenced: Caucasians (non-Hispanic) 25%, blacks 31%.
- African Americans are about 8% of Seattle’s population but 57% of adult drug arrests here in 1999 were African American.
- Of those convicted of drug felonies in all state courts, 32% of Caucasian defendants receive a prison sentence, while 46% of African American defendants do.
- A 1991-93 survey showed that whites constituted a far greater share of the drug selling population than of the population arrested for drug selling. On average during this period, black sellers comprised 16% and white sellers 82%.
- Of all the heroin-related deaths in King County for 2001, 81% were Caucasian.
- About 65% of crack cocaine users are Caucasian; 90% of federal crack defendants are African American.
- Of all drug offenders in American state prisons, 58% are African American and 23% are Caucasian (non-Hispanic). In our State’s prisons one-third of drug offenders are African American while they are 3% of our state’s population.
- Of average federal sentence lengths in 1999 whites got 58 months and blacks got 107 months.

- An estimated 11% of African American males in their 20’s and early 30’s are in jail or prison compared to about 1.5% of Caucasians (non-Hispanic).
- A national study regarding students offered, sold or given illegal drugs on school property showed for 1997: whites (non-Hispanic) - 32%; blacks - 25%.

These statistics show that the percentage of illicit drug users is virtually the same as the percentages of Caucasians, Hispanics, and African-Americans living in the United States. However, African-Americans (especially young males) are treated more severely by the criminal justice system. A disproportionate number of African-Americans are imprisoned for drug crimes, and they spend a longer time in jail.

Currently the KCBA and its coalition partners (including the LWVSEA, whose Board together with other coalition member boards have adopted related resolutions) are calling on the current Washington State Legislature to authorize a special consultative body, comprised of experts in pharmacology, medicine, public health, education, law and law enforcement, as well as public officials and civic leaders, to provide specific recommendations for legislative action to establish such a state-level system of regulatory control. As a result of its intensive study, the coalition is recommending the establishment of a state-level system of regulatory control over those psychoactive substances that are currently produced and distributed exclusively in illegal markets.

The main purposes of such a state-level regulatory system would be:

- to render the illegal markets for psychoactive substances unprofitable, thereby eliminating the incentives for criminal enterprises to engage in the violent, illegal drug trade;
- to restrict access to psychoactive substances by young persons much more effectively than the current drug control scheme; and
- to open many new gateways to treatment so as to provide prompt health care and essential services to persons suffering from drug addiction.

These goals conform to the principal objectives established at the outset of the Project’s overall drug policy reform effort – reducing crime, improving health, protecting children and saving public resources. The coalition is not currently proposing specific legislation and do not presume to set forth every detail of a state-level regulatory system for controlling psychoactive substances.

We urge members to contact their state legislators to support this effort.

Bert L. Metzger, Jr.; LWV Seattle

10,001, 10,002...AND COUNTING!

I signed up to be a counter in the 12/08-22/2004 King County hand recount of the 2004 Washington Governor's election. I wanted to help get the job done, earn some holiday money, and, mainly, **to learn from first-hand experience what the process was really all about.**

I went into this (new for me) clerical experience with several expectations that turned out to be wrong:

- Hand counting would naturally be less accurate than machine counting just because of human fallibility and variability
- Partisan bickering and maneuvering might interfere with the recount process
- My 77 year old eyes, fingers, and endurance (lack of!) might not be up to the 10 hour a day, 6 day a week task of recounting nearly 900,000 ballots in less than 2 weeks
- Optical scanning of paper ballots is the best current method for counting votes

However, one of my other pre-conceived ideas turned out to be correct, I think. Every current system of measuring the vote has an intrinsic error rate greater than the minimum margin **legally** required to win an election -- in this case it takes just 1 vote out of nearly 3 million! Secretary of State Sam Reed has said that Washington's vote counting is probably about 99.99% accurate. I suspect that's a bit optimistic, but if it **is** true, then the 0.0001 error rate is still 300 votes one way or the other out of 3 million!

I was pleasantly surprised to find that the recount process was secure, transparent, well planned, well organized, and closely observed, all despite the enormous task, a tight time-line, and bitter hot-talk recriminations (which seemed totally at odds with my direct experience). We temporary employee counters and observers got rudimentary training, which was not nearly as helpful to me as support from courteous, professional elections department supervisors and staff.

One training instruction for counters to cull out "overvotes" was changed when it became obvious that the original instruction eliminated some voters' clear intentions. All "overvotes" ultimately were referred automatically to the canvassing board for consideration of voter intent. While the "hot talk" critics called this "changing the rules", the change clearly corrected a flawed instruction, and brought the process into line with statutes and court decisions protecting voter intentions.

80 teams of 3 were assigned to do the sorting and counting, a Republican counter, a Democratic counter, and a non-aligned recorder. New teams with different members were created each day. The teams worked at 80 tables roped off into 5 sections of 16 tables with

sharp-eyed and -eared observers (barely) outside the ropes. The counting room was secured by King County Sheriff officers and supervised by Election Department officials. They enforced very strict rules of communication, attire, eating, drinking, and other conduct, to maintain order, and to prevent any marking, destruction, or other changes to ballots. All ballots were secured in locked cages until election workers delivered them in sealed boxes to the counting teams. No boxes remained open or unsealed except in the presence of all 3 team members (who, perforce, developed their own individual management skills for rest-room breaks!)

On 12/10/2004, the first day of counting, my team counted 3307 ballots with only 1 sorting error (which we found and corrected)! Hand counting (in this case following 2 prior machine counts) is a much more precise process than I had imagined. Like a double-entry bookkeeping system, our hand counts had to reconcile with 1 or more independent numbers. If the counts by the 2 counters did not match each other, **or** if the totals did not reconcile with the number of ballots listed in a box, we repeated our counts. If we still did not reconcile, we sealed the box and sent it to another team to count, and so on until all of the numbers matched.

So, this is much more than "just counting." It's really a self correcting measurement **system**. In our case, we counted every **vote** by looking at every marked "bubble" to verify that the **vote** was in the right pile of ballots.

Despite these spartan and regimented conditions and the "shotgun-weddings" of partisan counters, the teams worked together with more civility and cooperation than I've seen in the last 2 years of political campaigns! Everyone paid more attention to accuracy than speed. I came to understand several things that I had not understood before. Most of the "extra votes" that **both** candidates gained in the hand recount in **all counties** resulted from votes that optical scanners did not or could not read correctly. Real people have no trouble in reading these intended votes. So, the so-called "extra votes" are **not something created by the hand recount**. They were **missed by the machine counts**

I had no idea how many different ways some people figure out to mark their ballots! I saw voters clearly express their "intent" by consistently **circling** a bubble, **circling** a candidate's name, **underlining** a candidate's name, **writing in** the name of a **listed candidate**, and **marking** the party designation following the candidate's name. Then a few "belt-and-suspenders" voters would use a **combination** of some or all of the above and still **not** mark inside the "bubble"!

At first I was intolerant of voters who didn't follow ballot instructions "to the T" so that scanners would count their

votes correctly. However, after learning that statutes and court decisions give voters wide latitude in expressing their voting "intent", I realized that some ballot instructions are just **not** consistent with those statutes and decisions. Ballot instructions may tell a voter to completely fill in just 1 bubble with blue or black ink or #2 pencil **to conform with a scanner program** instead of **conforming to the statutory measure of "voter intent"**, which a scanner can never determine without human intervention!

Some of the "in-the-trenches" lessons I took from this experience were:

- Hand counting can be highly accurate when managed as a verified, error-correction **system**. It involves labor intensive, mind-numbing repetition! But it **does** provide for human intervention to determine "voter intent" by referring all such questions to a duly constituted canvassing board.
- Highly partisan workers could and **did** work together conscientiously on a specific, important task. Participants in this recount were exceptionally civil, worked efficiently and accurately, and finished ahead of schedule without rancor. I saw absolutely no signs of fraud, manipulation, or deceit.
- As presently programmed, optical scanning is incapable of measuring any voter intent **marked outside of the target "bubbles"**. This results in **missing** about 0.07% of legally valid votes (that's 629 valid votes **missed** by the optical scan mechanical counts in King County!)
- Optical scanning should **always** be rechecked by duly authorized **real people** whenever there is a question of "voter intent." It is unlikely that mechanical counts can **ever** measure "voter intent" as defined by current statutes and court decisions.
- The legislature needs to change our current election statutes to better define "voter intent" without making it any harder to vote than it is now.
- Ballot design and instructions need to be carefully improved so that they conform to election statutes rather than to machine-reading technology.
- A touch-screen system allowing voters to enter their "voting intentions" might be able to print out a standardized paper ballot that **could** be accurately read by an optical scanner.

Robert A. Fithian; LWV King County South

As an ironic footnote, you may be interested to know that the application form for this temporary hand counting position was 6 pages long. Nowhere was an applicant asked whether she or he could **count!**

FOUR ENVIRONMENTAL LEGISLATIVE PRIORITIES FOR 2005

For the third year LWVWA is collaborating with 15-18 other public interest and environmental organizations to provide a focus for environmental legislation in the legislative session. The four priorities for 2005 are: clean water, clean cars, eliminating toxic flame retardants, and green building.

Clean Water: The clean water priority is also called Sound Solutions: Saving Hood Canal and Puget Sound. The recent news of "dead zones" in Hood Canal, closures of many shellfish beds in the Canal and Sound, and the failure of much of Puget Sound to meet clean water standards are major wake-up calls. Proposed legislation will focus on: preventing pollution from poorly maintained and located septic systems; establishment of clear water quality standards, controls over stormwater, tax incentives for conservation; funding for city and county programs to prevent water pollution.

Clean Cars: Automobiles are the primary source of air pollution in Washington. Proposed legislation will adopt California's stronger auto emission standards. These standards will require that all new cars sold in the state after 2008 comply with the new standards that produce less toxic pollution and less global warming gases.

Eliminate Toxic Flame Retardants: Toxic flame retardants (PBDEs, short for polybrominated diphenyl ethers) are widely used: in mattresses, furniture, electronics, computers, plastics, automobiles, and many other products. Cousins of PCBs, PBDEs are toxic, persist in the environment, and build up in the environment and in our bodies. Recent tests (by Northwest Environment Watch) found high levels of PBDEs in mothers' breast milk. Proposed legislation would phase out and eliminate all forms of PBDEs by 2006.

Green Building: Green buildings are also known as high performance or high energy efficiency buildings. They incorporate development standards and construction techniques that promote resource conservation, including energy efficiency, renewable energy, and water conservation. Proposed legislation will require all new state agency and higher education buildings 5,000 square feet and larger, as well as significant remodels, to be built to green building standards (Leadership in Energy and Environmental Design/LEED silver).

To learn more about these four priorities subscribe to the LWVWA *Legislative Newsletter*. Go to the web sites of some of the organizations working for their passage: LWVWA, People for Puget Sound (clean water), Climate Solutions (clean cars), Washington Toxics Coalition (PBDEs), and Washington Environmental Council (green building). Contact your legislator communicating your support for these priorities. For more information, please contact Elizabeth Davis, elizabet@whidbey.com

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Mailed or emailed weekly during the session, the League of Women Voters of Washington's *Legislative Newsletter* gives easy to read, up-to-date information on League Priorities. Written by League Lobby Team members the newsletter covers Health Care, Education, Global Climate Change, Children, Welfare, Shorelines, Growth and Sustainability, Energy, Transportation, Reproductive Rights and more. Plus you'll receive information about pertinent committee hearings, status of bills and Action Alerts. Please specify which version you wish to receive - mail or email - and send your check in today.

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