

L DELAWARE VOTER

The League of Women Voters of Delaware

Summer 2016 President: Jill A. Fuchs lwvde@comcast.net

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

The League of Women Voters of Delaware will sponsor a program to commemorate Constitution Day Saturday, September 17, 2016

> at the Dover Public Library, Multipurpose Room B 35 E. Lookerman Street, Dover, DE 19901.

The program will begin at 10:30 A.M. Light refreshments will be served.

Keynote speaker: Dean Rod Smolla Professor of Law at Delaware Law School

Topic: Delaware's Constitution: Equal Protection / Equal Rights.

LWVDE members Beverly Jackson and Ellen Wasfi will summarize the process and conclusions of the 2015 LWVUS consensuses on Constitutional Amendment and Money in Politics.



Rod Smolla is Dean and Professor of Law at Delaware Law School. After graduating from Yale and Duke Law School, he returned home to Chicago where he began private practice, then moved into academic life, beginning his career as a law professor. He became president of Furman University and was previously dean of two law schools. Professor Smolla is an accomplished teacher and author. He has won numerous teaching awards and has many publications to his credit including law review articles and essays, legal treatises, university press books, trade books for general audiences, articles and fiction, including short stories and plays. His latest book, The Constitution Goes to College, deals with constitutional principles and ideas that have shaped higher education. Throughout his career, Professor

Smolla has litigated in constitutional law, civil rights, mass media, advertising, defamation and privacy law. He has presented many oral arguments, including some before the Supreme Court. He has been an advocate for greater bipartisan cooperation in addressing major issues of public policy, and for greater civility in public discourse.

Arranged by Ellen Wasfi and Linda Barnett

LWVDE Acting on Public Policy Issues - pages 1 through 11

Advocacy Report of 148th Legislative Session

Of the 746 bills and over 100 joint or concurrent resolutions introduced during the current two-year session, the Advocacy Corps reviewed and decided to support, oppose or monitor 328 of them --- we had a busy two years! A number of the bills were introduced as late as June 29, with only one legislative day left, so we were unable to review all of them. Typically, these late bills are introduced simply to "float" an idea for consideration in a future year.

We are spending time until the new Session opens in January reviewing all bills we supported that failed to pass along with those introduced in the last weeks of the Session that we were unable to review. Our goal is to have at least a brief statement of support, with data or substantive explanations of why we support each of those bills, because most of them will be re-introduced next year. These statements can be used as the basis for testimony, op eds, letters to the editor, etc. next year.

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(Continued on page 1 Advocacy Report 148 Legislative Session)

We could use help from anyone interested in researching the issues and helping to prepare these statements so we will be prepared for hearings that are likely to begin in January. You also might like to draft op eds or letters to the editor on the

issues. Although you would be welcome to attend our meetings on September 7, October 5 or November 2, that's not necessary. Just do your research and writing at home and email what you come up with to Linda Barnett at luvchocdog@hotmail.com and Sandy Spence at sandyspence325@gmail.com. Let us know what bills interest you.

One final note: We are always in need of additional participants in the Advocacy Corps. It provides the opportunity to get into the heart of the legislative process. The range of issues addressed is shown in the listing below. Whatever your passion is, you will surely find it there. By joining the Corps, you can help make a difference.

Sandy Spence, Advocacy Corp Chair

PRESIDENT'S MESSAGE



Dear Members and Friends,

Balancing personal obligations and the commitment to our passions is a daunting task. I admire each and every League member who takes on portfolios and commitments to their respective interests. I witness firsthand the dedication and stamina with which you conduct League business. Brayo!

That hard work has resulted in some wins and some losses but we continue to look forward to the next step in our effort to improve the lives of all Delawareans. Summer months bring challenges of staying connected but communication stays constant and plans for our future events continue.

We all need to stay focused on the upcoming elections local and national. VOTER REGISTRATION must be a top priority. I challenge each and every member to have two documents on you at all times #1 a League membership form and #2 a voter registration form. I have a hard time convincing my neighbors that I really don't care who they vote for just that they take advantage of a right that we have worked so hard to achieve. At a time when we see voting rights being squashed it is important to remind our fellow Americans that voting is a privilege and a duty for all of us. Remind friends and family of our Primary Election date August 13th and urge them to take a look at each candidate seeking office rather than blindly going into the voting booth and strictly voting party lines. I have had to remind my friends who are upset by the national political scene that our power rests on the local level and whatever is going on in their neighborhoods affect us all directly.

I urge you all to stay focused on your goals for the upcoming year and to recruit new members wherever you go.

We were pleased to get the news that the Supreme Court of Delaware has repealed the Death Penalty. Having done so, we have sent our State as well as National position on the death penalty to our Attorney General, Matt Denn with a request that he does not attempt to overturn the Courts decision.

As your President I remain in your service and promise to do all I can for League.

Yours in service,

Jill A Fuchs

SUMMARY OF ACTION ON EDUCATION – RELATED BILLS

League position on education: to promote equal access to education in a safe environment

Education was a major focus during this Session, with particular attention paid to bullying and sexual assault/abuse. The recommendations of the Wilmington Education Improvement Commission were affirmed but not funded, legislators declaring that additional implementation details are needed.

Education Bills we supported that passed

House Substitute 1 for HB 1, which requires colleges and universities to offer victims the option to have incidents of sexual assault by or against the student reported to law enforcement, requires them to inform victims of their rights under the state's Victims' Bill of Rights, as well as to make available confidential medical, counseling, and advocacy services.

(Continued on page 3 Summary of Action on Education -Related Bills)

(Continued from page 4 Summary of Action on Education -Related Bills)

It also requires training of students and staff, and reporting these incidents to the Dept. of Education.

- **HB 61**, which requires that all public meetings of boards of education of all school districts and charter schools be digitally recorded and made available on-line within 7 business days. These recordings, though, will not be considered the official board minutes.
- **HB 250**, which adds instances of "reported and recorded" bullying to the list of reasons why a child could be withdrawn from a choice or charter school before the expiration of the statutory minimum enrollment period or why an application for admission or withdrawal could be accepted outside of the statutory timeframe for submission. It requires that the instance of bullying must be substantiated.
- SB 207, which improves the state's response to incidents of school bullying by better informing parents of the availability of intervention by the Department of Justice's School Ombudsperson. It clarifies that the Ombudsperson has authority to intervene in both incidents of criminal activity and incidents that meet the statutory definition of bullying but do not constitute criminal activity. This Act also gives schools and victims' families discretion whether to report misdemeanor assault incidents between juveniles to law enforcement agencies, rather than mandating the involvement of the criminal justice system in all such incidents.
- **SJR 17**, which affirms the decision of the State Board of Education to approve the Wilmington Education Improvement Commission's Plan ("the Plan") and supports the continued work of the Commission in developing details for implementation of the Plan. It also recognizes that the Plan will require necessary and sufficient funding to achieve the goals it lays out.

Education Bills we supported that did not pass

- **HB 27**, which would require all new school construction or major renovation to include an intruder alarm, bulletproof glass, & doors lockable with keys on both sides.
- **HB 28**, which would mandate that if a student transfers from a charter school to a school district after Sept 30, allocated funds for that student will be prorated between the charter school & the school district where the student is then enrolled.
- **HB 30**, as amended, which would provide state funding to K-3 for basic special education. (State funding is already provided for intensive & complex special education during these grades. Currently, basic special education funding starts at grade 4 and runs through grade 12.) The amendments delays implementation and phases in the funding.
- **HB 117**, as amended, which would create a funding source for low income students in addition to normal enrollment-based funding. The bill applies statewide, although it emerged from the work of the Wilmington Education Improvement Commission. Its estimated cost exceeds \$12 million.
- HB 186, which would make charter schools subject to the jurisdiction of the State Auditor.
- **HB 240**, as amended, which would provide grants to public schools to develop afterschool programs. The amendment refines the proposal and limits the program to kindergarten through eighth grade, authorizing no more than one elementary and middle school from each school district to participate.
- **HB 278**, which would require schools to post a toll-free phone report line number for child abuse & neglect in a conspicuous location where it may be viewed by students.
- **HJR 12**, as amended, which declares Legislative support for the Wilmington Education Improvement Commission plan. The amendment clarifies that this does not require any other action from the Legislature, such as funding
- **SB 171**, which was an alternative to HB 186, regarding auditing of charter schools.

Education Bills we opposed that did not pass

HB 161, as amended, which would allow parents of children with disabilities to use the amount of state money that the district would get for their child to send him/her to a private school.

Charlotte King, Sandy Spence and Linda Barnett

SUMMARY OF ACTION ON ELECTIONS AND VOTING

League position on voting:...to ensure that the fundamental citizen right to vote is guaranteed.

For an election year, action pertaining to voting was surprisingly modest, with one major exception: the passage of legislation that facilitates the opportunity for felons to vote. A major disappointment was lack of progress on same-day registration.

Election Reform Bills we supported that passed

SB 242, which removes the requirement that felons must have met all financial obligations, including payment of fines and restitution, before his/her right to vote is restored. Too often, individuals without the financial means to pay off fines in a timely manner are unfairly left out of the voting process.

Election Reform Bills we supported that did not pass

SB 111, which allows for Same Day Registration.

HB 105, the first leg of a constitutional amendment to eliminate restrictions on absentee voting in the Delaware Constitution, shifting responsibility to the General Assembly to enact general laws setting out the circumstances, rules, and procedures for absentee voting.

HB 333, which would change the term of school board members from 5 years to 3 years.

HB 374, which would change the term of school board members from 5 years to 4 years.

HB 375, which, as of the year 2020, would move the date of the primary for statewide, county and municipal offices to the 4th Tuesday in April. This measure would achieve significant cost savings, as it would coincide with the date of the presidential primary. Dates for submitting and withdrawing a notification of candidacy would also have been adjusted.

Election Reform Bills we opposed that did not pass

SB 165, requiring all public school elections to be conducted by mail, mandating that those participating in school elections must be registered voters. This costly measure would also require that all public school elections be held on the 2nd Tuesday of May, including referendum elections -- which may be held only once a year.

Letty Diswood, Elections Chair & Sandy Spence, Advocacy Corps Chair

SUMMARY OF ACTION ON HEALTH -RELATED BILLS

League position on health: to ensure that all residents have access to a basic level of quality care, while controlling costs.

Health was only a moderate concern of the Legislature this Session, but a few measures opened up access significantly, including authorizing and funding additional School-Based Wellness Centers, expanding Needle-Exchange statewide, and broadening conditions for which Medical Marijuana can be used.

Health Bills we supported that passed

HB 234, which mandates a School-Based Wellness Center in every secondary school (excluding Charters). (Most schools already have a Wellness Center; this actually applies only to the remaining three.)

HB 381, as amended, which requires increased transparency, efficiency and fairness in pre-authorization programs. The amendment limits retrospective denials.

SB 245, which establishes a Behavioral & Mental Health Commission to monitor and provide oversight to the state's health care in those areas.

SB 259, which expands the Wilmington Needle Exchange pilot program statewide as a public health measure to prevent the spread of HIV. The League was very active in supporting the model about ten years ago.

HB 400, as amended, which extends conditions allowing use of medical marijuana to people suffering pain, anxiety or depression related to a terminal illness, expanding access. Patients under 18 are restricted to using CBD and oil products.

(Continued on page 5 Summary of Health-Related bills)

(Continued from page 4 Summary of Health-Related bills)

Health Bills we supported that did not pass

SB 38, which would allow a terminally ill patient, and his/her treating physician, to decide to try treatment with an investigational drug, biological product or device which has successfully completed Phase One of a clinical trial, to include protections for the manufacturer

SB 142, which would expand the Medicaid Program to cover preventive and urgent dental care for adults (children are already covered); the provision would have added a co-pay and set dollar limits per patient

SB 148, which would expand the Medicaid Program to cover preventive and urgent dental care for women who are pregnant or become pregnant while receiving assistance; the provision would have added a co-pay and set dollar limits per patient.

Joann Hasse, Health Care Chair



Congratulations and a huge thank you to the Advocacy Corps. Pictures at left are some members of the Advocacy Corp enjoying high tea at TEA FOR TWO in July after the 148 Legislative Session.

L-R around the table: Sandy Spence, Fay Whittle, Peggy Schultz, Lisa Pertzoff, Linda Barnett, Letty Diswood, Marie Fletcher, Jill Fuchs.

"Not only is this a-century-old marvelous **Victorian place** home to owners Randolph and Paula Kinsey but has also become a **unique retreat** from the day to day schedules for many. We bring you the charm of **English afternoon tea** sessions. A **scone** with Lemon Curd and **Devonshire cream**, complete with the tantalizing aroma of a **freshly brewed pot of tea**, an afternoon at Tea for Two promises to be a delectable affair."

SUMMARY OF ACTION ON LAND USE/TRANSPORTATION BILLS

League position on land use and transportation: to promote policies that manage land as a finite resource and not as a commodity, and to improve mass transit and support other alternatives.

The major legislation achievement this year was passage of **Senate Substitute 2 for Senate Bill 130**, the "healthy and transit-friendly bill," described below. The major disappointment was failure by the Legislature to adequately support the Farmland and Open Space Preservation programs, also described below.

Land Use/Transportation bills we supported that passed

House Substitute 1 for HB 262. which brings the 25-year-old Delaware Land Protection Act up to date? It passed following heavy protests from landowners opposed to inclusion of State Resource Area maps; these people felt that the maps reduced their property values by making it public that the state was interested in procuring these properties. The maps were ultimately excluded from the bill.

SB 260, which allows certain non-agricultural uses in farms enrolled in the Agricultural Lands Protection Program, giving them equality with non-enrolled farms. These uses include agritourism activities which do not interfere with the ongoing agricultural use of the properties.

Senate Joint Resolution 12, which endorses DelDOT'S application for funds from the federal Transportation and Investment Generating Economic Recovery (TIGER) program to design and construct the Claymont Regional Transportation Center.

Senate Substitute 2 for SB 130, landmark legislation cited by the national Rails to Trails organization, and vigorously supported by the League. It defines criteria for a local government to enter into agreements with DelDOT in order to create transit-friendly development districts. In return for their agreement, the local government is given priority status by DelDOT in the implementation of the district's priorities. Included in the legislation is a preference for greater than normal density and a reduced speed requirement in the district.

SB 262 with Senate Amendments 4 and 5, designed to ensure the safety, reliability and cost-effectiveness of rides provided by Transportation Network Company Drivers within Delaware (Uber and Lyft), which operate at airports and train stations, and to provide additional transportation options for Delawareans. This bill modifies the rules that govern the operation of cell phone app-oriented taxis. (Continued on page 6 *Summary of Action on Land Use/Transportation Bills*)

(Continued from page 5 Summary of Action on Land Use/Transportation Bills)

Land Use/Transportation bills we supported that did not pass

HB 124, the first leg of a constitutional amendment that would have made a \$10 million farmland preservation allocation binding on all future administrations.

HB 450, the Bond Bill, authorized \$501.4 million for capital improvements and new projects but included nothing for the Open Space Program (we had advocated for \$9 million). Agricultural Lands Preservation received \$2.5 million (we had asked over many months, testifying repeatedly in Dover, that this program be allocated \$10 million). This is the second year in a row that Open Space received nothing. An additional \$500,000 **was** shifted from DNREC's Pesticides Section to cover Aglands Preservation operating expenses, as was done the previous year.

Peggy Schultz, Land Use/Transportation Chair

SUMMARY OF LEGISLATION ON GENERAL SOCIAL POLICY

League position on social policy: to secure equal rights and equal opportunity for all.

Major victories were achieved in this area, although there were significant disappointments as well.

Social Policy Bills we supported that passed

HB 314, which makes it unlawful for an employer to prohibit an employee from disclosing his or her wages. This is intended to reduce the ability to maintain unequal pay.

HB 316, which prohibits discrimination in employment based upon an individual's reproductive health decisions.

Social Policy Bills we supported that did not pass

HB 253, which would have made the state earned income tax credit refundable (capable of exceeding tax amount otherwise due); to reduce the fiscal impact, the credit would be reduced from 20% of the federal EITC to 6% for 2017, w/increases of 1% each year until reaching 15% in 2026.

SB 39, as amended, which would have increased the minimum wage by .50 cents per year for the 4 years beginning June 1, 2017.

SB 190, which was the first leg of a constitutional amendment establishing equal protection for citizens on the basis of race, sex, age, religion, creed, color, familial status, disability, sexual orientation, gender identity, or national origin.

Linda Barnett, Advocacy Corps

SUMMARY OF LEGISLATION ON CRIMINAL JUSTICE

League position on criminal justice: to support policies that ensure the safety of all Americans, while also ensuring that offenders are treated in a manner that is in the best interests of society, victims and the offenders themselves.

Significant attention was focused on this topic, and many important legislative victories were achieved on issues the League has advocated for over the years. Much work continues to be needed, however, to reach an environment in our state where our justice system is administered in a fashion that provides equal treatment for all citizens.

Criminal Justice Bills we supported that passed

House Substitute 1 for HB 1, which ensures that victims of sexual violence on college campuses have full knowledge of the options available to them and that Delaware's colleges and universities do more to not only prevent sexual assaults on their campuses but to support and respond to victims properly when they disclose these crimes to university employees.

HB 75, which modifies the discretionary expungement provisions for juveniles to allow more individuals the ability to petition the Court for an expungement where the individual has demonstrated rehabilitation despite multiple youthful indiscretions.

HB 211, which limits the use of shackles and other physical restraints on children in juvenile delinquency proceedings.

HB 382, which guarantees that all children facing criminal charges and allegations of delinquency have the right to an attorney, codifying what is current practice in the Office of Defense Services (Public Defender).

(Continues on page 7 Summary on Criminal Justice)

(Continues from page 6 Summary on Criminal Justice)

- **HB 405**, which prevents first-time juvenile offenders charged with certain minor misdemeanors from entering into the system by providing law enforcement with a civil citation procedure as an alternative to arrest.
- SB 211, which restores voting rights to ex-felons who have not yet paid all their fines and fees.
- **SB 157**, which eases prohibitions on licensing of paramedics based on criminal history.
- **Senate Substitute 1 for SB 163**, which was intended to eliminate the "three strikes" law that automatically applies harsh minimum mandatory sentences on certain felons. Senate Substitute 1 for this bill significantly weakened the bill but was better than nothing.
- SB 198, which streamlines the process of juvenile records' expungement.
- **SB 207**, which improves the response to school bullying (See details under Education).
- SB 285 (Appropriations for FY 2017) epilogue language in the legal section, which authorizes continued work of the Criminal Justice Improvement Committee in developing improvements in the Criminal Justice Code.

Criminal Justice Bills we supported that did not pass

- **HB 36**, which would have placed limits on the use of solitary confinement. **HJR 5** passed as an alternative. It authorized the Department of Correction to contract with an expert to study the issue.
- **HB 37**, which would have limited data provided to prospective employers to Class B misdemeanor convictions or greater. Unclassified misdemeanors or violations would not be disclosed for employment purposes.
- **HB 62**, which would have changed Family Court's Adjudicated Drug Court Program to a pre-disposition, non-adjudicated program.
- **HB 221**, which would have extended the statute of limitations on civil claims based on heinous international human rights abuses, including human trafficking.
- **HB 285**, which would have required the Department of Correction to seek leave from Court when it seeks to increase the supervision level without filing a violation of probation.
- **HB 287**, which would have prohibited municipalities from being more restrictive than state law regarding the sex offender registration process.
- **HB 365**, which would have removed the restriction against receipt of public assistance by persons convicted of a drug felony.
- **SB 40,** which would have repealed the death penalty.
- **SB 194,** which would have allowed some inmates convicted of drug crimes to apply for a reduced sentence for crimes that had mandatory minimum penalties drastically reduced by legislation passed in 2011 that did not apply retroactively.
- **SB 195,** which would have allowed inmates to apply directly for sentence modifications, instead of going through the Department of Correction.
- SB 196, which would have allowed some inmates to earn additional Good Time credit for early release.

Criminal Justice Bills we opposed that did not pass

- HB 386, which would have criminalized school bullying.
- SB 147, which would have added possession of a deadly weapon by a person prohibited to the list of violent felonies.

Sandy Spence, Advocacy Corp Chair, Janet Kramer

SUMMARY OF ACTION ON HOUSING

League position on housing: to support policies to provide a decent home and suitable living environment for every American family.

While some progress was made in protecting citizen from housing discrimination, for the most part, advocacy in this area was disappointingly unsuccessful. (Continued on page 8 *Summary on Housing*)

(Continued from page 7 Summary on Housing)

Housing Bill we supported that passed

SB 179, which prohibits housing discrimination based on source of income by adding "source of income" as a protected class under the Delaware Fair Housing Act and the Landlord Tenant Code. Excludes housing vouchers.

Housing Bills we supported that did not pass

HB 68, which would have permitted a landlord to acquire title to the manufactured home of a tenant that was left unclaimed for 30 days, rather than the current one year waiting period.

Senate Substitute 1 for SB 123, which would have established a formula for rent increases in manufactured home communities based on capital improvements and clarified that community owners may recoup certain capital costs as increased rent without increasing base rent in perpetuity.

SB 134, which would have established a "Homeless Individual's Bill of Rights" providing rights to protections for the homeless, including from discrimination while in public and while seeking access to housing, employment, and temporary shelter.

SB 158, which would have restricted the ability of the owner of a manufactured home community to increase or attempt to increase land rent more than the applicable CPI-U more than once per year.

Jill Fuchs, Housing Chair and Gina Miserandino

SUMMARY OF LEGISLATION ON OPEN GOVERNMENT

League position of open government: to support policies that provide well defined channels for citizen input and review.

Progress was made in this area, but the General Assembly was resistant to a number of proposals that would have furthered the public's right to know. Continued advocacy is needed.

Open Government Bills we supported that passed

HB 61, which requires all public meetings of boards of education of public school districts, vo-tech school districts, and charter schools be digitally recorded and made available to the public on-line within 7 business days.

HB 279, which requires public comment to be permitted at all open meetings of public agencies for a minimum of one minute.

HB 309, which removes the Special Law Enforcement Assistance Fund exemption from FOIA for proceedings and records. (This is the fund that is comprised of civil forfeiture proceeds.)

SB 26, which provides for recording and maintaining a record of all deliberations made by public bodies during public hearings, including any discussion made "off the record."

Open Government Bills we supported that did not pass

HB 42, which would have applied FOIA to the University of Delaware and Delaware State University, including the board of trustees.

HB 43, which would have subjected appointed members of the Cash Management Policy Board to the annual financial disclosure requirements.

HB 269, which would have removed exemptions from FOIA for-emails received or sent by members of the General Assembly or their staff and communications between members, between members and their constituents, or by members on behalf of their constituents.

HB 391, which would have required all members of the General Assembly or state office to disclose any receipt of more than \$10,000 in the last 10 years from the sale of land, development rights, agricultural conservation or forest preservation easement.

HB 442, which would have added restrictions on limited liability companies related to foreign investors.

Mickey McKay, Chair, Open Government and Sandy Spence, Advocacy Corp Chair

SUMMARY OF LEGISLATION ON PUBLIC SAFETY

League position on public safety: to promote the health and safety of all citizens.

Public safety was moderately advanced in this Session of the Legislature, but it is an area in great need of continued advocacy.

Public Safety Bills we supported that passed

HB 217, which mandates the entry of ballistics information in the National Integrated Ballistics Identification Network.

HB 325, as amended, which closes a loophole in gun background checks by requiring a waiting period in Delaware of up to 25 days for the background check to be completed prior to the sale or transfer of guns.

Public Safety Bills we supported that did not pass

HB 168, which would have made it a crime to intentionally or recklessly leave a loaded firearm where a minor or person prohibited could access it.

SB 222, which would have eliminated civil forfeitures and created criminal forfeitures, with procedures to ensure transparency and accountability in the use of the cash and other items seized by law enforcement.

Sandy Spence, Advocacy Corps Chair

SUMMARY OF ACTION ON MISCELLANEOUS GOVERNMENT TOPICS

League position on government: to promote an accountable open government system, efficient and free of conflicts of interest.

The General Assembly unfortunately did not put much emphasis on passing legislation in this area.

General Government Bills we supported that did not pass

HB 385, which would have required lobbyists to disclose if they are compensated for services. If so, they must pay a registration fee set by the Public Integrity Commission (PIC) to defray the PIC's costs to administer & maintain lobbyist's registration & reporting requirements; would cancel registration if fee not paid, and set penalties.

SB 225, which would have removed from the General Assembly's Code of Conduct language that exempts members of the General Assembly from obligations of the State Employees', Officers' & Officials' Conflict of Interest & Code of Conduct rules; adds to the Legislative Conflicts of Interest chapter a provision that expressly limits a legislator's use of public assets for private or partisan political purposes; requires disclosure of payments to lobbyists by source and amounts.

SB 256, which was the first leg of a constitutional amendment that proposed to establish a statewide Register of Wills office under the jurisdiction of the Court of Chancery. The bill indicated that the counties would have fees charged by that office returned to the counties, net of costs.

Sandy Spence, Advocacy Corp Chair

SUMMARY OF ACTION ON THE ENVIRONMENT

League position on the environment: to preserve the physical, chemical and biological integrity of the ecosystem, with maximum protection of public health and the environment.

The League had mixed success in working to protect the environment during this Session. Measures did pass to increase fees in various areas, which will generate much-needed funds. In addition, we were pleased that a measure seeking Delaware's withdrawal from the Regional Greenhouse Gas Initiative failed to pass, since this regional effort has had clear, positive results for Delaware not just in reducing emissions, but in providing a revenue stream to support more low-emissions projects. Also defeated was a proposal seeking to freeze requirements for purchases of certificates for solar-produced electricity suppliers if they become too expensive. It would have been another setback for progress in reducing carbon-based emissions.

We were disappointed that a measure building upon and improving existing law pertaining to single-use plastic shopping bags did not pass. In addition, while the Clean Water and Flood Abatement Task Force worked diligently all year, its

(Continued on page 10 Action on Environment)

(Continued from page 9 Action on Environment)

Efforts did not result in the introduction of any legislation to create a funding source to clean up the state's badly polluted waters. In addition, a proposal to place strict sanctions on the possession and sale of ivory and rhinoceros horn, although passed by the Senate, was defeated in the House in the early hours of July 1, 2016.

Environmental Bills we supported that passed

HB 162, which added 5 members to the Board of Directors of the Center for the Inland Bays, to include more representation and to improve its capacity to obtain and administer private money designed to protect and restore the Inland Bays' watershed.

HB 401, which increases fees and sets up a mechanism to provide access passes for recreational users of the State Resources Areas, thereby enabling the state's Department of Natural Resources and Environmental Control (DNREC) the opportunity to obtain sorely-needed revenues.

SB 203, which restores DNREC's authority to enforce criminal penalties against those who violate the state's Wetlands and Subaqueous Acts.

SB 233, which clarifies definitions of above-ground storage tanks to meet the federal Hazardous Substance Cleanup Fund regulations.

SB 236, which redefines "Brownfields" and reassigns federal Hazardous Substance Cleanup Fund loan processing from the state's Economic Development Office to DNREC.

SB 261, which establishes a Waterway Management Fund, primarily by raising boat fees.

SCR 30, which created the Clean Water and Flood Abatement Task Force in June 2015, charged with finding ways to fund improvements in Delaware's water quality and ways to alleviate flooding issues. The Task Force met many times and submitted a final report in June, 2016. However, although they had prepared draft legislation intended to address these issues, after discussion with both caucuses in both chambers, they decided to postpone introducing any legislation until the next session.

SCR 35, which established a task force in late June 2015 to determine the best ways to recycle organic waste in Delaware. Its final report was issued on March 1, 2016, and can be found on the internet.

Environmental Bills we supported that did not pass

HB 202, which would have refined and expanded the current law requiring certain businesses to provide recycling bins for plastic bags.

HCR 47, which would have instructed the Public Service Commission to consider approving electricity-generating projects being developed to assist the state in meeting its Renewable Energy Portfolio Standards only if they utilize eligible energy resources, and to consider certifying new renewable installations that are generated from projects developed after the enactment of this legislation that utilize only eligible energy resources.

Senate Substitute 1 for SB 156, which would have placed severe restrictions on the sale of ivory and rhinoceros horn.

Environmental bills we opposed that passed:

HB 194 with several amendments, which exempts wastewater systems no more than 30 linear feet on land parcels not exceeding one acre from erosion and sediment control regulations.

Environmental Bills we opposed that did not pass

HB 122, which would have limited DNREC's regulatory scope.

HB 414, which would have frozen solar renewable energy credits if the current statutory levels were reached.

SB 136, which would have reimbursed electric customers any portion of the renewable Compliance Charge over three percent.

SB 288, which sought Delaware's withdrawal from the Regional Greenhouse Gas Initiative.

Lisa Pertzoff, Chair

SUMMARY OF ACTION ON CAMPAIGN FINANCING

League position on Campaign Financing: to ensure that the financing of political campaigns protects the public's right to know, to combat corruption and undue influence, to enable candidates to compete equitably and to promote citizen participation in the political process.

Legislation was passed that makes progress in achieving League goals, while, fortunately, significant measures we opposed did not get approved.

Campaign Financing Bills we supported that passed

HB 167, which adds numerous requirements pertaining to payment of fines – including the provision that Superior Court may not grant a certificate of election to a successful candidate until all fines for willful failure to file a campaign finance report are paid. It prohibits individuals from running in any future election until all campaign finance reports are filed and all fines paid. It requires the Commissioner of Elections to publish, on Delaware's Election website, the name of any candidate who has willfully neglected to file a campaign finance report, has been assessed a fine for willfully neglecting to file a campaign finance report, or been reported to the Attorney General by the Commissioner.

Campaign Financing Bills we supported that did not pass

SB 224, which would require political committees to report a contributor's occupation and employment information.

Campaign Financing Bills we opposed that did not pass

HB 185, which would bring Delaware's campaign finance reporting periods more in line with Federal Election Commission requirements, would retain 8-day pre-elections reports but eliminate 30-day pre-elections reporting, and would add reporting requirements for 3rd-party advertisers.

SB 155, which would permit political parties to establish a segregated building fund to pay for telephone, other communications services, rental or purchase of equipment, office supplies, or an office or building; also contains disclosure and reporting requirements related to a building fund.

SCR 6, which calls for a Constitutional Convention exclusively to propose an amendment to the federal Constitution to reverse *Citizens United v. FEC* and related cases. We opposed this based on the LWVUS criteria for Constitutional Conventions resulting from the recent national study.

Nancy Powell, Campaign Finance Chair

CLIMATE CHANGE ACTIVITIES AT NATIONAL CONVENTION 2016 IN WASHINGTON, DC

On June 17 members of Leagues from Delaware, California, Illinois and Massachusetts held a caucus called **Promoting a Price on Carbon**. Chad spoke about the Delaware Price on Carbon Study that is now underway, and the others spoke about League actions to put a price on carbon dioxide emissions in other states and countries around the world. Linda Swift (California), who is also a member of the Delaware study, has developed a <u>Price on Carbon</u> website that has been endorsed by LWVUS. Check it out to learn more. The Delaware League led a



successful effort to pass a resolution supporting a price on carbon at Convention 2014. and we will now be working with other Leagues across the country to help them promote carbon pricing in their areas as an important tool for mitigating climate change.

On June 19 the delegates nearly unanimously passed the following three resolutions proposed by the Oregon League:

- Therefore be it resolved, the LWVUS consider signing onto an Amicus Brief with the 21 youth plaintiffs from Our Children's Trust.
- Therefore be it resolved, LWVUS support the United States ratification of the UN COP 21 Paris Agreement.
- Therefore be it resolved, that the LWVUS continue working for full implementation of the EPA Clean Power Plan, especially at the state level, as a first step, and should call on the White House to implement an updated science-based Climate Action Plan that stabilizes global warming by bringing CO2 levels down to no more than 350 ppm by 2100.

NOTES: Our Children's Trust is a legal effort on the part of young people to sue the federal government "for violating

(Continued on page 12 Climate Activities at LWVUS Convention 2016)

(Continued from page 11 Climate Activities at LWVUS Convention 2016)

Their constitutional rights to life, liberty and property, and their right to essential public trust resources by permitting, encouraging, and otherwise enabling continued exploitation, production and combustion of fossil fuels."

COP 21 is the 21st Conference of the Parties, meeting in Paris in 2015, following the 1st meeting at Rio de Janiero in 1992, which adopted the UN Framework on Climate Change. The Framework aimed to stabilize atmospheric concentrations of greenhouse gases (GHGs) to avoid "dangerous anthropogenic interference with the climate system," but involved no commitments or time tables. The Paris agreement included both.

The EPA <u>Clean Power Plan</u> aims to reduce carbon dioxide emissions from U.S. power plants - the major source of U.S. carbon emissions - and is the keystone of President Obama's plan to meet the U.S. obligation to reduce emissions 26-28% under the Paris agreement.

The president's <u>Climate Action Plan</u>, announced in 2013, includes reducing greenhouse gas emissions, but does not specify a final target concentration. James Hansen et al., in a seminal 2008 paper titled, <u>Target Atmospheric CO2</u>: <u>Where Should Humanity Aim?</u>, wrote, "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and ongoing climate change suggest that CO2 will need to be reduced from its current 385 ppm to at most 350 ppm." The CO2 concentration is now over 400 ppm and is increasing every year. Hansen et al. think that atmospheric CO2 concentration must be 350 ppm or less in order to keep the global average temperature from increasing more than 2 degrees C.

During the discussion of Resolution 3)-a question was raised about the cost of removing CO2 from the air in order to remove what humans are currently adding (about 36 billion metric tons in 2014), and reduce the concentration back to 350 ppm. After the convention I searched for information on the available technologies and costs for removing CO2 (now over 400 ppm or 0.04%) from air. I found a 2013 paper in the *Proceedings of the National Academy of Sciences* by Klaus Lackner et al. titled, The urgency of the development of CO2 capture from ambient air, which describes technologies and gives a range of costs from \$100 to \$1000 per ton of CO2. These numbers can be compared with current prices on CO2 emissions which range from \$1/ton in Mexico to \$168/ton in Sweden.

Chad Tolman, LWVDE Climate Chair and Delegate to Convention 2016 for LWVNCC

REPORT ON ROUNDTABLE DISCUSSION WITH AFRICAN STUDENTS

On Thursday, July 14, 2016, LWVDE, LWVKC and the University of Delaware Global Partnerships & Programs in the Institute for Global Studies cosponsored a roundtable discussion with twenty African women students representing the Ivory Coast, Liberia, Sierra Leone, South Sudan and Zambia. The Mayor of the City of Dover, Hon. Robin Christiansen, was in attendance prior to the meeting, but because of a delay at the luncheon venue, the students arrived late and the Mayor had to depart before the discussion. He did, however, send his welcoming greetings to the group.



The group of 20 young women are participating in the U.S. State Department's Study of the U.S. Institute for Scholars, which selected them to come to the United States and sharpen their leadership skills in order to create change in their local communities.

The students had many questions for League members about the evolution of women's participation in the political process in the United States and how to

motivate women in their own countries to participate in government and become more active in achieving their political as well as economic rights. Some of the questions they asked were:

- 1) What organizational skills are necessary to become involved in government and be a leader in a country?
- 2) What challenges did American women face in creating the League of Women Voters and becoming leaders?
- 3) How did the League launch the women's suffrage movement and succeed in advocating for women's voting rights?
- 4) How can women be encouraged to stand up for their rights?
- 5) What strategies should they use to advance women's rights in their countries and develop a feminist movement?
- 6) How can they overcome injustices to women in societies where women are dominated by men?
- 7) How can organizations like the League fight gender inequality when discrimination against women negatively affects society as a whole, including men and boys?
- 8) How can you get different women's groups to work together when religious differences separate them?
- 9) What have been the League's greatest challenges and its greatest impact?

(Continued on page 13 Round table Discussion with African Students)

(Continued from page 12 Round table Discussion with African Students)

The students were enthusiastic, animated and committed to improving the status of women in their countries. League members shared ideas on working together to create a collective voice in articulating political aspirations. They also pointed to the difficulties encountered by early suffragettes who faced serious challenges when confronting maledominated political institutions. League members also emphasized the role of the media as both an antagonist and a

potential ally in portraying women's aspirations. It was stressed that the key to organizing at the local level (because "all politics is local") is to find a common ground or common issue to unite women in their approach to political participation. The essence of leadership is to articulate those needs. League members also pointed out that these young women were the very leaders with the talent and skills to energize of the nascent women's movements in their countries.



League members in attendance included Letty Diswood, Jill Fuchs, Dr. Amyistique Church, Beverly Jackson (who also represented the Mayor), Lisa Pertzoff, Ellen Wasfi.

Ellen Wasfi

VOTER OUTREACH ACTIVITES ROUNDUP

CANDIDATE DEBATES

The League of Women Voters of Kent County will cosponsor a Candidates Night debate for Kent County on Wednesday, October 19, 2016, at 7:00 P.M. in the Palmer Room of Modern Maturity Center in Dover. This event is being hosted by the League of Women Voters of Kent County, the American Association of University Women (AAUW), Dover Chapter, and Modern Maturity Center. The list of invited candidates includes those running for State Senate (14th and 15th Districts) and State Representative (11th, 28th, 29th, 30th, 31st 32nd, 33rd and 34th Districts) from Kent County, Kent County Levy Court Commissioner, Kent County Clerk of the Peace and Kent County Register of Wills.

The League of Women Voters of Delaware will cosponsor a Candidates Night debate for statewide and federal offices on Wednesday, October 26, 2016, at 7:00 P.M. in the Martin Luther King, Jr. Center, Parlor C, at Delaware State University. This event is being hosted by the League of Women Voters of Kent County, the American Association of University Women (AAUW), Dover Chapter, and Delaware State University. The list of invited candidates includes those running for U.S. Representative, Governor, Lieutenant Governor and Insurance Commissioner.

During both events, members of the audience will be given index cards at the entry door and throughout the program on which to pose questions directly to the candidates. The League of Women Voters will moderate the debate. These events provide the public with the opportunity to ask the candidates where they stand on issues of major concern.

Ellen O, Wasfi, Candidates Night Chair. LWVKC/LWVDE

League of Women Voters of New Castle County Voter Service Committee and Triangle Neighborhood Association will sponsor Wilmington Mayoral Debate, Thursday, September 8, 6:30 pm, At Salesianum High School Auditorium, 1801 N Broom Street, Wilmington, DE 19802.

The City of Wilmington directly or indirectly impacts every citizen in Delaware! Delaware is a small state and the climate of the City impacts all of us. Plan to attend the Mayoral Candidate Night whether you are a city resident or not.

The League is partnering with Triangle Neighborhood Association to provide this important service to Delaware. All candidates are expected to attend.

Carole Walsh, NCC League member, will serve as moderator. We thank the staff at Sallies for providing this terrific venue.

Suggestions for questions may be emailed to Loren lgmozik@earthlink.net or attend the Debate and bring your questions.

Questions from emails_and the audience will be asked.

Carole Walsh and Judy Taggart

(Continued on page 12 *Candidate Debates*)

(Continued from page 13 *Candidate Debates*)

Delaware Nature Society invites you to participate in Environmental Forums to ensure that water quality and other environmental concerns are a priority in 2016. The LWV of New Castle County and other organizations are co-sponsors of the City of Wilmington Mayoral Forum and LWV of Delaware are cosponsors of the Lt. Governor's Forum

Thursday. August 25th, 2016, 6:30-8:00 pm at the DuPont Environmental Education Center 1400 Delmarva Lane, Wilmington, DE 19801 Submit your question and Register at: www.delawarenaturesociety.org/advocacy.

Lt. Governor's Forum August 30th, 20166:30-8:00 pm at the Ashland Nature Center, 3511 Barley Mill Road, Wilmington, DE 19707

Submit your questions and register at: www.delawarenaturesociety.org/advocacy. For questions or to RSVP please contact: Brenna Goggin, Director of Advocacy brenna@delnature.org or (302) 239-2334 ext. 132.

THANK YOU TO OUR CONTRIBUTORS

A heartfelt thank you to all who responded to our letter asking for extra support for the LWVDE Education Fund earlier this year. As a result of your generosity we will be able to meet our current needs in this election year. But please keep us in mind as you plan your charitable donations for the balance of this year and for the years to come. The need to educate and inform our members and the general public about important issues facing our local, state and national governments never ends and neither can our efforts. Remember, too, that the Ed Fund is a 503(c)3 organization so donations are tax deductible.

Again, thanks for your support.

Sincerely,

Carol Jones, Finance Chair

Thank YOU to all our VOLUNTEERS who spend their time and money advocating and educating for the issues we all care about. There are no reimbursements for mileage, gas or food.

A HUGE THANK YOU

Join the Conversation!

find us on facebook.

Twitter provides a quick digest of the nation's leading headlines, while Facebook gives us an open forum where we discuss the important issues of the day. All posts and points-of-view are welcome as long as our nonpartisan and inclusive policies are being respected.

To join Facebook, go to www.facebook.com and follow the instructions. Once you join, search for the League of Women Voters of Delaware and send us a "friend request." To join Twitter, go to www.twitter.com and follow the instructions. Once you join, search for @lwvde and "follow" us!

LWVUS CONVENTION 2016 (Excerpted from lwv.org.)

WASHINGTON, DC – The League of Women Voters of the United States (LWVUS) held its 52nd biennial national convention on **June 2016** in Washington, DC and set its agenda for the next biennium. Through the Making Democracy Work® campaign, the League will fundamentally reshape our democracy by engaging millions more voters in the election process and strengthening the laws that govern money in politics, redistricting and voting rights so that it is free, fair and accessible to all.



(Continued on page 15 LWVUS Convention 2016)

(Continued from page 14 LWVUS Convention 2016)

Chris Carson of Burbank, California was elected unanimously by the more than 700 delegates gathered at the Marriott Wardman Park. Carson, elected to serve a two-year term, will be the national organization's 19th president.

In her acceptance speech, Carson thanked members for entrusting her with the leadership of this 96-year-old organization. "It's an honor and a privilege to stand here today, thank you for choosing me to be your president. There is no doubt that today, our political situation is appalling, but it is not new. Much of our society's greatest progress is born out of challenging times and the same can happen today as we tap the power of women to create a more perfect democracy."

Throughout the gathering, delegates rallied around the League's 2016 Campaign for Making Democracy Work®, setting the League's agenda for the next two years, vowing to continue our fight for the voters. In addition, delegates reinforced the League's commitment to combat climate change and protect the environment, adopted strong statements on gun safety and DC statehood, and expanded its position on health care to include access to behavioral health services.

A League member since 1983, Carson served as the government director of the California League from 2005-2009 and was first elected to a two-year term on the League's national Board in 2014. Carson has led the League's redistricting reform task force for the past four years and has been the organization's national advocacy chair since 2014.

Throughout the weekend, convention participants heard from a variety of speakers including *Give Us the Ballot* author and journalist Ari Berman, *NPR's* Peter Overby, Joe Goldman of the Democracy Fund, Jennifer Lawless of American University's Women & Politics Institute, Amanda Taub of *Vox* & the *New York Times*, Keesha Gaskins of Rockefeller Brothers Fund and Lake Research Partners' President Celinda Lake. A panel of election experts on protecting and expanding the electorate was held on Saturday and included Christine Chen, APIAVote; Kristen Clark, Lawyer's Committee for Civil Rights Under Law; and Arturo Vargas, NALEO. All of the speakers commended the League and urged the organization to press forward using our community-based power on the critical issues of the day.

Contact: Kelly Ceballos,

202-263-1331 or kceballos@lwv.org. "Like" the League on Facebook. Follow us on Twitter: @LWV

NOTE: The naturalization ceremonies are held on the first Thursday of the month where the LWV hands out welcome folders to all new citizens. Call Connie Georgov for times and place 302-275-6785. Ceremonies usually are held September - December and March - June or July. Thank you Connie.

CALENDAR		
Wednesday, August 17, 2016, 6-8:30 pm	CenDel Building, 101 W. Loockerman Street, and Bradford Streets parking lot at end of the block of Bradford.	LWVDE & Education Fund board meetings.
Thursday, August 25th, 2016, 6:30-8:00 pm	DuPont Environmental Education Center 1400 Delmarva Lane, Wilmington, DE 19801	City of Wilmington Mayoral Environmental Forum hosted by Delaware Nature Society, LWVNCC and other groups.
August 30 th , 2016, 6:30-8:00 pm	DuPont Environmental Education Center 1400 Delmarva Lane, Wilmington, DE 19801	Lt. Governor's Environmental Forum hosted by Delaware Nature Society, LWVDE and LWVNCC and other groups.
Wednesday, September 7, 2016, 9:30 am- 12:00 pm	Legislative Hall 411 Legislative Avenue Dover, DE 19901	LWVDE Advocacy Corps meeting. LWVDE Advocacy Corps meeting. Contact Committee Chair for details or call 302-841-2882. (Calendar continued on page 16)

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		Calendar continued from page 15	
Thursday, September 8, 2016, 6:30-8:30 pm	Salesianum High School Auditorium, 1801 North Broom Street, Wilmington, DE 19802	Candidate forum for Mayor of the City of Wilmington. Cosponsored with the Triangle Neighborhood Association.	
Saturday, September 17, 2016, 10:30 am-1 pm	Dover Public Library, Multipurpose Room B 35 E. Lookerman Street, Dover, DE 19901.	LWVDE celebrates Constitution Day with speakers and light refreshments . The focus of the first part of the program will be the US Constitution and Citizens United. Second part of program will focus on the state Constitution. Keynote speaker: Dean Rod Smolla, Professor of Law at Delaware Law School. Topic: <i>Delaware's Constitution: Equal Protection / Equal Rights</i> .	
Wednesday, September 21, 2016, 6-8:30 pm	CenDel Building, 101 W. Loockerman Street, and Bradford Streets parking lot at end of the block of Bradford.	LWVDE & Education Fund board meetings.	
Wednesday, October 5, 2016, 9:30 am-12:00 pm	Legislative Hall 411 Legislative Avenue Dover, DE 19901	LWVDE Advocacy Corps meeting. Contact Committee Chair for details or call 302-841-2882.	
Wednesday, October 19, 2016, at 7:00 pm	Palmer Room of Modern Maturity Center, 1121 Forrest Ave. Dover, DE 19904 302-734-1200	Candidates Night debate for Kent County cosponsored by the League of Women Voters of Kent County, AAUW and Modern Maturity Center.	
Wednesday, October19, 2016, 6-8:30 pm	CenDel Building, 101 W. Loockerman Street, and Bradford Streets parking lot at end of the block of Bradford.	LWVDE & Education Fund board meetings.	
Wednesday, October 26, 2016, at 7:00 P.M.	Martin Luther King, Jr. Center, Parlor C, Delaware State University, 1200 N. DuPont Hwy Dover, DE 1990	Candidates Night debate for statewide and federal offices hosted by the League of Women Voters of Kent County, the American Association of University Women (AAUW), Dover Chapter, and Delaware State University.	
Wednesday, November 2, 2016, 9:30 am- 12:00 pm	Legislative Hall 411 Legislative Avenue Dover, DE 19901	LWVDE Advocacy Corps meeting. Contact Committee Chair for details or call 302-841-2882.	
Monday, December 5, 2016, 5:30-8 pm	Ed Oliver Golf Club, 800 N. DuPont Road, Wilmington	Reception for Elected Officials 2016 sponsored by the Delaware Coalition for Open Government and many organizations and civic associations and the LWV of New Castle County.	

League of Women Voter's of Delaware 2400 W 17th Street, Clash Wing Room 1, Lower Level Wilmington, DE 19806

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