



The VOTER

LEAGUE OF WOMEN VOTERS
OF THE PENSACOLA BAY AREA

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League Challenges Setting of Community Maritime Park Referendum

by Sharon Barnett, Co-President LWV Pensacola Bay Area

After several articles appeared in the local newspaper about the Community Maritime Park referendum election, the League investigated the facts concerning the setting of that election. In our investigation, we met with both the Pensacola City Attorney and the Escambia County Supervisor of Elections. We reviewed documents obtained from both the City Clerk and the City Attorney, including transcripts and a tape recording of relevant meetings. For historical perspective, we obtained and reviewed documents relevant to the last city referendum election – the Trillium Referendum.

We discovered that the City delayed submitting the petition for referendum to the Supervisor of Elections for verification and determination of sufficiency. Then, the City purposely delayed setting the referendum election by proposing an unnecessary and unauthorized ordinance. Passage of the ordinance required two readings, the second of which did not occur until July 13, 2006, after a council meeting was delayed and reset.

The petition for the Maritime Park Referendum had, in fact, been verified previously by the Supervisor of Elections on June 13, 2006. Thus, the City should have set the referendum election on or before August 14, 2006. By setting the election after the time prescribed by the City Charter, under materially different circumstances from those which would have existed if the Charter had been followed, the City of Pensacola denied its voters their right to vote in the election that is guaranteed by the City Charter. Early in 2006, the County Supervisor of Elections informed the City of Pensacola he would not hold a separate city election within approximately 120 days of the September 5, 2006, primary because he would be too busy and he thought a separate city election would cause confusion. The City of Pensacola responded by failing to fulfill its clear legal responsibility, as a municipality, to hold its own elections. As a result, the city voters are being

treated as second class citizens, who must wait for a county officer to meet their needs, when it is convenient for him to do so.

The City of Pensacola contends the referendum election should be held to coincide with other elections to save money. Thus, the City seeks to justify denial of the fundamental right to a timely vote and discriminatory treatment on cost. Not only is this legally untenable, but it is factually untenable. In fact, the City of Pensacola has chosen to incur the costs of separate special runoff elections, a fact which the Supervisor of Elections says mystifies him.

On July 13, 2006, the League made a statement concerning these matters to the City Council. Although we were unable to present our full statement, it is printed in full on the League's website at www.lwvpba.org.

The problems and irregularities that we uncovered go far beyond the Maritime Park referendum election. The issues we identified pertain to the election process in general and city referendum petitions that might be submitted in the future. Also, the failure of the City of

Pensacola to follow its own Charter and to provide essential municipal functions to its citizens presents the larger issue of the city's ability to function independently as a municipality.

The League intends to work to help the city resolve its election law issues. Our work may entail helping the city propose necessary amendments to the City Charter to bring it into conformity with Florida law. Amendments also may be necessary to eliminate holes in the Charter that allow for gamesmanship in the process. For example, the Charter does not provide a time frame for a total count of city voters to determine whether a petition has enough registered voters in support. We look forward to addressing the problems we uncovered, so that the citizens of the City of Pensacola will neither be denied a right to vote nor treated like second class citizens in the future. ♦

The League of Women Voters believes that every citizen should be protected in the right to vote, and no person or group should suffer unfair discrimination.

Message from Co-Presidents

The local Board has not gone on summer vacation. The current election season is in full swing and League members are responding in various activities, some of which are described below:

The fall elections always involve much time and effort for us, beginning early in the summer as a committee met weekly to write questions for candidates appearing on **Rally 2006**, WSRE-TV public television. The programs will feature those in contested races in Escambia and Santa Rosa Counties and will air during the last week of August.

WSRE Rally 2006
 Tuesday, August 29 – 7 pm Escambia
 County Candidates
 Wednesday, August 30 – 7 pm Santa Rosa
 and Okaloosa County Candidates

The *Pensacola News Journal* and the League are also coordinating an effort to provide information to voters prior to the **Primary Election on September 5**. Biographical information on the candidates will be published on July 30th. In addition, the League has asked candidates in contested races to respond to three general questions in the PNJ. Unedited responses will also be available on our website at www.lwvpba.org as well as the PNJ at www.pensacolanejournal.com

LWVF State Council

Your Co-Presidents attended Council in late May in Casselberry, FL. The two day meeting was attended by representatives from 13 Leagues in the state. Highlights of Council are featured in the *Florida Voter*, summer edition, 2006. It has been mailed to League members statewide and is on the website at www.lwvfla.org. If you have not received yours, please call Janet deLorge at 478-2581.

Lobby Fund

LWVF has decided to provide Capitol Reports to Leaguers through email. It will be available without charge and hopefully will encourage more of our members to lobby on League issues during the legislative session.

Proposed Amendment Information

LWVF will provide pro-con information on the proposed Constitutional Amendments that will appear on

the November ballot. This information will be received by local Leagues in August and will be put on our website when it is available. The *Special Election Edition* of the *Voter* will be sent to the membership in October. Visit our website at www.lwvpba.org for upcoming election events.

“*Why Should I Vote?*” is a brochure from LWVFEF which explains the basics of voter registration, absentee ballots, general voting information as well as the rights of voters. Funding for the publication came from a grant from LWVUS. Pensacola Bay Area has requested 1000, three hundred of which will be in Spanish. They will be distributed widely throughout the two counties. This is a League effort to help inform potential voters and, at the same time, stimulate interest in this basic tenet of our democratic system of government.

LWVUS Highlight

U.S. Supreme Court Opens Floodgates to Partisan Gerrymandering. The LWVUS and the LWV of Texas filed an amicus curiae, or “friend of the court” brief in *LULAC v. Perry* that argued the Texas legislature’s mid-census redistricting was unconstitutional because it was carried out solely to achieve partisan advantage. LWVUS is extremely disappointed by the Supreme Court's decision, saying it sets the stage for more partisanship, more divisiveness and less competition in elections.

YOU DID IT!

The bill to reauthorize the **Voting Rights Act** passed the Senate unanimously – without any harmful amendments! The President need only sign the bill into law, which he has promised to do with speed. Please thank our Representative and the Senators who voted for the bill.

Our board and committees are working hard to stay on top of the issues that matter to League. Watch for updates and join the League in making a difference.

Sharon Barnett and Janet deLorge

LWVPBA NEEDS YOUR HELP

The costs for use of the Baroco Auditorium have increased greatly and appear prohibitive to our organization for monthly meetings. Members of the Board have searched throughout the community for a suitable location to meet and feel certain a facility can be found. **WE NEED YOUR HELP!** Please contact the Presidents or a Board member if you can suggest a possible meeting place.

Century Branch Library Groundbreaking

By Bennie Kenney, 492-7202

Technically, it was called a “groundbreaking” . . . Everyone who attended call it “a dream about to come true”. I refer to the festive ceremony which took place on Wednesday, July 19, in the town of Century where a large group of supporters came together to celebrate the newest member of the West Florida Regional Library System . . . the Century Branch Library, scheduled to be open in early 2007.

It all began in 2003 when Reverend Irvin Stallworth, current pastor of Century’s New Life Church, contacted Library Director Gene Fischer and asked how they should approach establishing a branch library in Century. That’s the only invitation we needed! Library Trustees Dr. Richard Cravens, Mary Todd and I immediately volunteered to take on this project and see what plan we could develop.

We created a list of questions, contacted others in the Century area who had expressed a strong interest in this project and, in July, 2003, held our first meeting in the Century Community Center. We exchanged thoughts, ideas and possible answers to questions - theirs and ours.

We made several trips to Century, toured the old Century High School, circa 1937, and other possible sites, with the help of school officials and members of the Century Town Council. We all fell in love with the Old Century High School because they had taken such excellent care of it, but other commitments precluded it being a suitable site for a public library.

Then it all began to fall into place. The former Century Police Station/Jail was available, a very attractive building of recent vintage, an architect’s dream for a make-over, located mid-town on the main street. Once this decision was reached, the County advertised and received bids for architectural plans. Having worked through this phase with Strobel & Hunter on the Southwest



Branch Library construction, we were pleased they had submitted the winning bid. The restrooms have remained intact, all other interior walls have been removed, and when the south side parking bay is enclosed, Century will have a grand 3,000 square foot library!

In one report to the Library Board of Trustees in October, I said, “. . . It became clear to me that these people have recognized a need and created a dream – especially when I asked if they were sure that Century was the best location to serve the north end of the county.”

There are a number of people who need to be thanked for their concern, their caring, their input in this whole project. They include, but may not be limited to, Century Mayor Evelyn Hammond and the entire Town Council, local citizens Marilyn Robinson, Larry Bankester, the Reverend Irvin Stallworth, Gary Riley, Russell Queen, former principal of Carver/Century K-8 School, and his assistant principal, Paula Jernigan. County Commissioners, Administration, and staff have done an outstanding job. We, library staff and volunteers, are very pleased to welcome this new member to our family. ♦

2006 LWVUS Convention Meeting in the Middle

by Janet deLorge, 478-2581

The 2006 LWVUS Convention was held in Minneapolis, MN, from June 10-14. The theme, “Meeting in the Middle”, proved appropriate as more than 1000 members from 49 states gathered to make decisions for the next two years of League activities. Leaguers have the capacity to bring diverse groups together in our local communities

Kay Maxwell, outgoing national League president, welcomed members and guests. The opening plenary keynote speech entitled, “American Democracy in a Partisan Era”, was given by Dr. Thomas Mann of the Brookings Institute.

“Understanding the System to Defend the Courts” was presented by a panel composed of four judicial professionals. One great concern is that some court systems are becoming political following a decision by the U.S. Supreme Court to allow judicial candidates to express opinions on how they will rule on specific issues. These speakers suggested that candidates for judgeships might agree not to answer questions on issues that might come before them.

“Meeting in the Middle” was necessary to reach a compromise as competing interests vied for program topics to be studied. Many not-recommended items were presented for consideration. Following discussion, the majority approved the recommended 3-year study of immigration.

Continued on Page 4 – Convention

Continued from Page 3 – **Convention**

Concurrence with Illinois League on Abolition of the Death Penalty was approved by the members. Many other state Leagues had reached a similar position from earlier studies.

Resolutions were presented by the membership; three of those approved are:

- ❖ a verifiable paper trail in voting;
- ❖ elevate the System of Checks and Balances and Separation of Powers by adding it to the Democracy Agenda;
- ❖ support the concept of Internet neutrality by protecting equal access.

The financial position of LWVUS was presented with the explanation that more than half of their budget comes from fundraising. The National staff of 25 has been streamlined and an earlier budget shortfall of \$480,000 had to be resolved. After much discussion and many questions the group approved the recommended increase in dues to LWVUS in the amount of \$3 during the next two years. It was noted that \$1 of the increase is needed due to the loss in League membership. On a positive note, the League received a bequest of \$500,000 and 95% of the donation will become part of the organization's endowment.

Multiple caucuses were conducted and resulted in making hard choices about which to attend. Two meetings dealt with the Gulf Coast area after Hurricane Katrina. Representatives from Louisiana demonstrated visually the loss of vital wetlands south of New Orleans and offered possible alternatives for restoration of the area. Almost fifty scientists from all over the world met in the state a few months ago and, as a group, agreed that recouping sediment from the mouth of Port Fourchon appears to be the most valid option for restoration of the area through which at least 20% of the oil and gas used in the United States enters. There is great concern also that the two-lane road from New Orleans, south to the Port, is subject to flooding and is inadequate to accommodate personnel and supplies necessary to keep off-shore drilling platforms in operation.

The Convention was not all work and no play. *Garrison Keillor* of *Prairie Home Companion* was featured at the annual banquet. He entertained the audience with his reminiscences of winning a patriotic contest, sponsored by the League of Women Voters, in his hometown at the age of 12. He used that event to segue into changes in our daily lives during the last forty years. The audience could easily relate to his reminder of how second-hand smoke was everywhere, children were sent outside to play and not checked on for hours, and helmets for bicycles were unheard of. Keillor made the evening a special highlight for the League.

Mary Wilson, an attorney from NM, was elected as president of LWVUS for the next two years. She will be assisted by the slate of officers and directors who were proposed by the nominating committee.

It was a busy, exciting four days and, once again, it is my observation that the League of Women Voters is "a voice for citizens, a force for change". Thank you for the opportunity to represent the Pensacola Bay Area. ◇



Education Consensus announced at the Annual Meeting

As demonstrated over the years by a number of education studies and several major monitoring/survey projects of our local school system, the League of Women Voters of the Pensacola Bay Area has, from its inception, been strongly committed to excellence in education. Our 2004-06 study of the impact of the No Child Left Behind (NCLB) law stands as evidence of our ongoing commitment to that effort.

Although the League is in support of both federal laws to raise student achievement and the concept of NCLB, we believe there are serious problems with its implementation. Diagnostic tests can determine individual needs among the student population. However, test results should not be the major organizing focus for curriculum and classroom activity and should not be applied in ways that are punitive to schools, school systems, teachers, or individual children. The focus must be to assist the student to reach his/her potential.

The progress of the individual student should be measured and remediation provided, if needed. While one state requires performance above the 50th percentile for proficiency, another considers students proficient if they achieve between the 23rd and 67th percentile. Such wide variations not only dilute the usefulness of tests, but render less valid the comparisons derived therefrom.

No definition of a "highly qualified teacher" is provided, with determination left to the individual states. No consideration is given to the qualifications needed for the type of class to be taught (e.g. Special Education, etc.)

The amount of Title 1 funds that must be withheld to provide for transportation and tutoring of students from failing schools results in less capability of those schools to provide for the needs of the students who qualify for them. An example is the loss of funds for Pre-K programs.

Continued on page 5 - Consensus



LWVPBA Board

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Relations

Gene Feicht

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Doris Lea

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Fay Walker

Welcome! To New Members

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kellyhjones@bellsouth.net

E- mail Changes

Fay Walker

defaduwa@cox.net

Please inform Susan Metzger, of any changes in your contact information at 932-4039; e-mail - smetzger15@mchsi.com,



Time to Renew Dues!

Those of you who were not able to attend the Annual Meeting may use the form in this Voter to send in your dues to LWVPBA. Your League needs to have your support to continue its work.

Please Renew Now!

Continued from page 4 – Consensus

Schools that are struggling require MORE help, not less funding.

There was a general concern that one test may determine the success or failure of a school. Because no measurement is perfect, we believe that a combination of factors and alternate criteria should be used to demonstrate qualifications and success.

The Pensacola Bay Area Education Positions in brief:

- * **Support of uniformity of AYP (Adequate Yearly Progress) (2006)**
- * **Support uniformity of teacher credentials (2006)**
- * **Support adequate funding of Title 1 (2006)**
- * **Support free and fully effective public school systems for Escambia County and Santa Rosa County.**
- * **Support adequate financing of our schools.**
- * **Support a school board with a minimum of seven members.**
- * **Support expansion of the school board membership to include at-large in addition to single member districts.**
- * **Support the appointment of the County School Superintendent, (1962)**

Calendar

August 29, Tuesday - 7 PM WSRE Rally 2006

Escambia County Candidates

August 30, Wednesday - 7 PM WSRE Rally 2006

Santa Rosa & Okaloosa County Candidates.

August 31, 2006, Thursday - 7 8 PM

WSRE-TV will host a program entitled “*Pensacola Maritime Park Referendum*:. This will be a pro/con discussion by local journalists and will include phone calls.

September 12, Tuesday - 2 PM – Domestic Violence

Coalition will meet at the Pensacola Police Department, 711 N. Hayne St.

September 23, Saturday - 9 AM – Plans are underway for a

panel discussion **Affordable Housing in Santa Rosa and Escambia Counties.** Please mark your calendars. The September Voter will give the meeting location and details.

Join the League of Women Voters Today!

It's easy! Just send your check to :
Treasurer, LWVPBA, P.O. Box 2023, Pensacola, FL 32513

I'm renewing my membership

- \$45 individual Employed PT/Full
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Membership entitles you to subscriptions to the *National Voter*, the *Florida Voter* and the *Pensacola Bay Area Voter*.

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The VOTER
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Established in 1949, the Pensacola Bay Area League of Women Voters is a non-partisan political organization that encourages citizens to play an informed and active role in government. At the local, state and national levels, the League works to influence public policy through education and advocacy. Any person of voting age, male or female, may become a member. All members receive the *National Voter*, the *Florida Voter* and this publication.

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