



The Utah Voter

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

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Important Dates:

- LWV-SL State of the Community Luncheon: April 18th
- LWVU Convention : April 13th-14th in Salt Lake City

Notes from the President

President's Letter



Spring is on the horizon and I must admit that I would rather be gardening. It is time to clean out the detritus of winter (The 2007 Legislative session?), watch the spring bulbs and perennials come up and to plant seeds. This is a metaphor for LWVUtah activities.

The 2007 Utah Legislature is over. The Legislature had record amounts of surplus money to spend. They gave record amounts of money to public education and to highways. A flat tax was enacted; it remains to be seen if it will be more progressive, as its proponents promise. The sales tax on food was reduced. There were some disappointments as well. A far-reaching voucher program for public schools was passed by one vote in the House with little debate and with many questions. The Senate failed to even consider a bill which gave a tax credit to energy efficient vehicles, (a victim evidently to partisanship), ethics bills were discussed but little change resulted. Oversight of low level nuclear waste was taken away from the legislature and governor. And the shortcomings of a one-party system

were evident to all. A most fascinating and insightful activity for me was to go to the Lt. Governor's Elections Office web site and look at the source of campaign contributions to various elected officials.

It is hard to believe the Utah League convention is nearly here. It is time to watch our perennials come up and to plant new seeds. League members provide stimulating conversation at convention, a time to share "war stories" and gain new insights about government at every level. I am constantly amazed at how prescient some of our positions are; for example, our redistricting position calling for a non-partisan advisory redistricting commission dates from 1980. To plant our annual seeds, we have planned an exciting program. Utah Chief Justice Christine Durham will speak at a dinner meeting on Friday night. The dinner is open to all—so plan to bring your spouses, friends and neighbors. Our luncheon speaker will be Reverend France Davis.

Workshops are planned and we may have a national representative to give us a fresh perspective on League program and progress. We will also plant the seeds for LWVUtah program for the next two years. Come join us!

The Utah LWV Board voted to join the group, Utahns for Public Education, to circulate petitions to put the issue of vouchers to the voters at a referendum election. If enough voters sign the petitions by April 9, the issuance of vouchers will be put on hold until after the election. Members wishing to carry a petition are urged to contact info@utahnsforpublicschools.org or call 801-268-2161 or your local PTA president. Background information and a list of contacts by county is at <http://utahnsforpublicschools.org/>

As usual, there are many thank-yous:

- Ann O'Connell who did a wonderful job organizing the lobby workshop lunch on January 9. Despite the distractions of selling her house and buying a new one, she and Sandy Peck did a great job keeping tabs on the Legislature during the session on the Hill and from afar.
- Kathy Biele for establishing a League news group for the lobby corps and a general League group. With the help of Pat Klentzman, she kept our website up to date as well.
- Lobby corps members who were up on the hill and spent party of their Saturdays planning strategy: Stuart Gygi, Patti O'Keefe, Pat Nielson, Anne Zeigler, Mary Fogg, Emily Hall, Kathy Van Dame, Marie Fulmer, and Marelynn Zipser
- Janice Gygi for her great work on program planning
- Nancy Wingelaar for her fund raising lessons
- To all League members who personally answered League calls to action and contacted their legislators
- Nanette Benowitz for an informative Winter Voter and her work on the Website
- Sandy Peck for writing the daily Legislative updates for KCPW and the website and and Marelynn Zipser, Nancy Melling, and Phyllis Frankel for reading them on the radio

There is always more for the LWV to accomplish. It would be interesting to research the campaign finance records to see if there are correlations between contributions and votes in the Utah legislature. (If you are interested, call the office.) The public apathy about voting, public policy and politicians that seems to be ubiquitous is a result in part, I think, of the shortcomings in civic education.

Regretfully, I did not have time to focus on this.

See you at Convention.

Cheers!

Campaign Disclosure Project Report—Utah's Grade-F

The Campaign Disclosure Project which works to increase transparency and accountability of money in politics by improving the quality and quantity of campaign finance disclosure in states has given Utah an F and a rank of 35 out of the 50 states in its 2005 report. *Grading State Disclosure 2005*. According to the report, "Utah law requires that candidates report detailed information about contributors giving \$50 or more, but the information does not include occupation, employer, or cumulative amount donated. Last minute contributions and independent expenditures are not reported until after Election Day. Expenditure disclosure is relatively strong, but candidates do not have to report sub-vendor information. Committees have the option of filing electronically, but are not required to do so; according to the disclosure agency, 75 per cent of statewide candidates and 40 per cent of the legislative candidates participate in the voluntary program."

The report notes that Utah could greatly improve access to data by making a few simple enhancements to the web site. It identified shortcomings including limited search options, the impossibility of viewing the candidate's complete report online and no way to search itemized expenditure records. The website (<http://elections.utah.gov>) posts all disclosure records on line either immediately (for e-filings) or within one week. The website scored very well in the report's usability tests. The report suggests adding the ability to search itemized contribution records by date, amount or contributor zip code as a "quick fix." The editor's pick was the "Verify Submitted" feature, listing which reports are due and the exact date and time each report was filed, for each candidate."

More information about the project and the report can be found on line at www.campaigndisclosure.org.

US Rank in Child Well-Being Low

During the clamor of the Utah Legislative session in February, UNICEF released a report, *Child Poverty in Perspective: An Overview of Child Wellbeing in Rich Countries*, which received scant publicity. The report ranks assessed child wellbeing in 23 rich countries in six areas: material well-being, health and safety, educational well-being, family and peer relationships, behavior and risks and subjective well-being. The US did not come out well—we ranked 20th out of 21 countries over all. (Great Britain was last.) We were dead last in material well-being. To see the report, go to <http://www.unicef-icdc.org/publications>.

Gigi Brandt, President

EXCITING STATE CONVENTION PLANNED

By Sherilyn Bennion, Communication Director

Utah League members will gather Friday and Saturday, April 13 and 14, for an exciting state convention, hosted by the Salt Lake League, that will feature workshops, speakers, networking and a chance to vote on new officers and state program for 2007 to 2009. Program planners have chosen as the overall focus of convention the need to raise enthusiasm for the League among members and the general public.

Main speakers will be Utah Chief Justice Christine Durham at Friday evening's dinner, a national League representative Saturday morning and Reverend France Davis of Salt Lake's Calvary Baptist Church at the Saturday luncheon

A main focus of the session scheduled from 4 to 6 p.m. Friday will be presentation of program proposals. Members should be aware that non-board recommended program items listed in the workbook must be proposed for consideration at this time in order to be voted upon later in the convention. A budget report, nomination of new officers and proposed bylaw changes also will be presented at this session. Dinner will follow.

Saturday morning, after a continental breakfast, a report on League legislative activities will start the day. Next, three workshops on program issues will give members ideas on how to organize studies and take advantage of state League services and materials. It is anticipated that a national League representative will speak to us just before lunch.

Saturday afternoon, members will have a chance to caucus on program proposals before voting on program and officers and approving the budget.

Convention location is the Red Lion Hotel, 161 West 600 South, in Salt Lake. Reservations may be made by calling 801-521-7373. Registration fee for the convention is expected to be about \$25.



Arizona Shows the Way: Merit Selection Of Judges

by Lois Brechner

Director of Impartial Courts Portfolio, League of Women Voters of Arizona
www.lwvaz.org www.justiceforaz.org www.jfa.net

An impartial court system is a vital component of our democracy. In order to preserve the balance of power among the executive, legislative and judicial branches of government, our courts must be free from political interference.

As retired Supreme Court Justice Sandra Day O'Connor affirmed, "Selection of judges according to the candidates' merit is, naturally, key to ensuring that a judge will act impartially. Considerations other than merit motivating a political actor to appoint a judge (or voters to elect a judge) are likely to be the very considerations that will prevent a judge from deciding cases fairly and without bias."

Arizonans believe that our merit selection system, adopted in 1974 by the electorate, should serve as a nationwide model. The League of Women Voters of Arizona (LWVAZ) played a significant role in developing this system and in amending it, in 1992, to include a review process for evaluating judicial performance and allowing voters to decide on retention.

Here's how the merit selection of judges works today in Arizona. The governor appoints and the senate confirms a nonpartisan commission of citizens, legal professionals and civic leaders. This panel evaluates and recommends a list of potential judges to the governor who must select a nominee from that list.

Because Arizona holds retention elections (other merit selection systems might use other means for determining retention), we have instituted a unique constitutionally mandated program. Judges up for retention must meet with a judicial performance review commission (appointed similarly to the nonpartisan selection commission) to evaluate their performance. This performance review encourages judicial self-evaluation and improvement. Every two years, the review information gathered by this commission is sent to all households with a registered voter. The voters then decide whether to retain the judges for another term.

Three recent cases before the Arizona Supreme Court testify to the success of this system in keeping our courts impartial and nonpolitical. In the second half of 2006, the Republican controlled legislature and the Republican Party went to the Supreme Court for rulings. Basing its decision strictly on legal issues, the five-member Court, with three members from the Democratic Party, ruled against the Democratic Governor and unanimously upheld the Republican positions. Our highest court has shown repeatedly that it is not influenced by politics.

When judges achieve office through a fair system of merit selection, the best candidates can place themselves in contention without concerns about raising money for a political campaign. The qualities essential for judicial excellence are rarely the same as those needed to successfully campaign for political office.

We urge state and local Leagues throughout the country to work in coalitions to help bring about needed reforms for their localities with respect to how judges attain office. Also, Leagues in states that have strong merit selection systems must be vigilant and work to protect those systems. The LWVAZ has learned that special interests do not tend to support truly impartial courts.

As Senator John McCain (AZ- R) noted, "If we can't keep special interests out of courts, where is the public interest safe?"

LEGISLATIVE NEWS

Grass Roots Take on Deep Pockets

By Marie Fulmer

The Utah's League of Women Voters Board voted March 10 to join the grassroots coalition, *Utahns for Public Schools*. The referendum sponsors include leaders of the UEA, NAACP, Utah PTA, Utah School Boards Association, and The Utah Board of Education.

The proponents of vouchers for private schools, 'Parents for Choice in Education,' are largely funded by out-of-state donors: Wal-Mart and Overstock.Com to name two. According to the *Salt Lake Tribune* (March 3, 2007), Parents for Choice "sank roughly \$500,000 into political campaigns for voucher supporters last year." The school choice movement centers on letting parents spend tax dollars to pay part of their children's private school tuition.

Referendum supporters believe most Utahns do not want their tax dollars used to support private schools. Private schools are not held as accountable for student progress as public schools are. When the program is fully implemented, it will cost the taxpayer \$48 million a year. HB 148 barely passed the House by one vote. Democratic Representative Carol Spackman Moss said in a *Tribune* article, March 2, 2007 "I have never thought these vouchers are supported by the general public."

If the petition is successful, the voucher program cannot be implemented until the voters vote.

To get the referendum on the ballot 92,000 thousand signatures of registered voters in the State of Utah must be collected by April 10th. If you want to participate, petitions can be picked up at the office and returned there when you have collected 20 signatures. You can also get more information by going to www.utahnsforpublicschools.org calling 801-268-2161, or emailing them at info@utahnsforpublicschools.org.

(Most of the factual information in this article was taken from the Salt Lake Tribune).

Legislative Wrap-UP

How did League priorities fare at the Legislature?

Priority #1 Increase funding for education and human services

As you know the League follows legislative issues all year round, so by the time the session began in January we were expecting record increases in revenue to make budget increases and tax cuts primary issues. We decided that the League's first priority should be more money for public education and for human service needs such as Medicaid supplements for dental and vision care, not tax cuts. So of course we like most Utahns are pleased that public education received an increase of \$440 million. Most human services fared well; \$4 million for CHIP to provide health care for 14,000 more children, 3.2 million for childcare and \$2.2 million for Medicaid adult dental and vision services. The League monitored appropriations subcommittees that oversee public education and the Department of Environmental Quality. We lobbied against any planned cuts in DEQ funding, considering urgent problems of air pollution and mercury pollution in state waterfowl and fish.

We urged approval for optional full-day kindergarten [SB 49 - Optional Full-day Kindergarten](#) by testifying in committee, working with sponsor Senator Lyle Hilliard, and e-mailing action alerts. SB 49 **passed** the House and Senate. It provides \$30 million over four years for disadvantaged students.

The League actively opposed [HB 148 - Education Vouchers](#), in part because it will divert taxpayer money (the General Fund is still taxpayer money) from public schools to private schools. We support public schools because they are available to all students without discrimination and accountable to taxpayers through elected school boards. Private schools on the other hand are free to discriminate on the basis of academic talent or disability, need not meet particular academic standards or provide civic education, lack elected boards, and therefore are not sufficiently accountable to taxpayers. Voucher supporters emphasized the importance of parental choice, which we support. However, the public schools already offer considerable choice of special programs, transfer to other schools in and out of the district, and charter schools. We believe taxpayers prefer expanding those choices within the public system, where all children are welcome, to subsidizing private schools that pick and choose their students. **HB 148 passed. Here is the vote.** We encourage you to provide feedback to legislators on this and other issues: (An * indicates legislators who responded to League emails during the session. Maybe others responded to members that we didn't know about. We especially liked Rep. Menlove's message that the League voucher position "made my day")

- HOUSE YEAS – 38: Andersen Barrus Buxton Clark, D. Clark, S. Daw Dee Donnelson Dougall Draxler Fowlke Frank Froerer Gam Gibson Grover Harper Herrod Hughes *Hutchings Kiser Last Lockhart *Morley *Neuenschwander Newbold Noel Oda Painter *Sandstrom Sumsion Tilton *Urquhart Walker Wheeler *Wimmer Wyatt Curtis
- HOUSE NAYS – 37: Aagard *Allen, S. *Becker *Bigelow Bird Biskupski *Bowman Brown Cosgrove Duckworth Dunnigan Ferry Fisher, Janice Fisher, Julie Gowans Hansen Hemingway Hendrickson Holdaway Hunsaker *Johnson King Litvack Mascaro Mathis *Menlove *McGee McIff Morgan *Moss Ray Riesen *Seelig Shurtliff Snow Wheatley Wiley
- SENATE YEAS – 19: Bell Bramble Buttars Christensen Dayton Eastman Hickman *Hillyard Jenkins Killpack Knudson Madsen Niederhauser Peterson Stephenson Stowell Waddoups *Walker *Valentine
- SENATE NAYS – 10: *Davis Dmitrich Fife Goodfellow Greiner *Jones Mayne McCoy Romero Van Tassell

The League has now joined Utahns for Public Schools in calling for a **referendum vote of the people on HB 148**. To sign or carry a petition, contact info@utahnsforpublicschools.org or call 801-268-2161 or your local PTA president. Background information and a list of contacts by county is at <http://utahnsforpublicschools.org/>

Priority #2. Good Government - Redistricting, GRAMA, Lobby Reform, Campaign Finance Reform, Transparent Government, Citizen Access

The League expressed concerns about the possible corrupting influence of lobbyist gifts, and asked the House Government Operations Committee to raise the standards of the Legislature by supporting [HB 178 - Lobbyist Gift Ban](#). It passed committee, but a substitute bill introduced and passed on the House floor only increased disclosure of gifts without banning them. That substitute was replaced in the Senate by another disclosure bill, **SB 246-Government Law Changes**, which **passed** both houses. **SB 246** adds sporting event tickets and tangible gifts worth more than \$10 to the disclosure list, but meals, snacks and other entertainment under \$50 needn't be connected to the recipient by name. According to an analysis by *the Deseret Morning News*, \$46,362 would not have to be disclosed (out of \$52,315 given this year) under *current* law. Under the *new* law only \$927 more would have to be disclosed – a small step forward. A related problem is that registered (paid) lobbyists who give gifts to officials often contribute to their election campaigns as well, and there are no limits on campaign contributions. This multiplies their influence.

Early in the session, Gigi Brandt, LWVU President, spoke in the Senate Government Operations Committee in **support** of [SB 116 Contribution Limits for State Constitutional Officers](#), which would limit campaign contributions to statewide officers to \$10,000. The **bill passed committee** by one vote – apparently accidentally, since the bill was **never seen nor heard from again**. The League supports campaign finance methods that combat corruption and undue influence, enable candidates to compete more equitably for public office and allow maximum citizen participation in the political process. We support public financing of campaigns as well as contribution limits.



We asked Senators to **oppose SB 194 - Partisan School Boards**, asking why they thought requiring local and state school board candidates to run on a partisan basis would increase their interest in running for office? Wouldn't partisan issues unrelated to education be distracting, come between board members and their constituents and invite contributions from special interests, including out of state contributors (as happened when voucher supporters contributed to legislators' campaigns directly or indirectly through political parties)? Despite these questions from the League and others, SB 194, amended to require state but not local school board races to be partisan, **did pass the Senate but died in the House**. It was the next bill up **on the House board when time ran out** on the last night of the session. Perhaps wiser heads prevailed.

The League **opposed HB 348 - County Government Reform**, which required county elections to be partisan, because we believe citizens should be able to decide for themselves whether they want partisan elections. But they should not have to vote again on their form of government after only 2 years of experience with the current form, which HB 348 would have allowed. **The bill passed the House but died on the Senate floor**.

The League opposed SB 211 Election Law Changes, which eliminated satellite voter registration in locations throughout a county on the 15th and 18th day before an election. We believe strongly in registering as many voters as possible.

County clerks (except Sherrie Swenson in Salt Lake County) opposed satellite registration as expensive and unnecessary. Its main advantage is that it gives voters another chance to update their registration before Election Day after by-mail registration closes 30 days before the election. Without those updates, voters who have changed their name or address must use provisional ballots, which are time consuming and more expensive than staffing satellite sites. The League also favors more opportunities for new voters to register who may not become interested until closer to Election Day. In Salt Lake County in 2006, 15,000 people registered during the two satellite registration days; 10,000 updated their current registration while 5,000 were new registrations.

Registration at the clerk's office through the 15th day was restored in **3rd Substitute SB 211**, but an amendment to allow counties the option of registering at satellite locations failed. Unfortunately, **the bill passed**, which will limit access for voters with disabilities, without transportation or unable to take time off work to travel to the clerk's office from the suburbs, but able to register closer to home. We have found in the past that some legislators consider voting a privilege rather than a right and see no reason to make it more accessible. Some also prefer the voters they know to new voters who might oppose them or their issues (witness redistricting to favor incumbents). Some fear voter fraud, especially registration by non-citizens. The vote on SB 211 was generally along party lines, with Republicans in favor of eliminating the satellite option and Democrats opposed. Some Republicans voted no: Senator Bell and Reps. Aagard, Allen, Bird, Dougall and Froerer, all from outside Salt Lake County. We appreciate them and will continue to work to restore a more voter friendly system and to register more voters. Another solution might be to encourage Congress to make it easier for all voters to register closer to the election.

SB 211 also had good provisions. It allows registration anywhere in the state, not just in one's home county, and requires clerks to use the statewide voter registration database.

Priority #3. Taxation - Progressive Structure, Indexing, Oppose Tax Refund

The legislature found enough money for both budget increases and a \$220 million tax cut. A Senate tax bill, **3rd Substitute SB 223**, will take effect in 2008. It enacted a single flat income tax rate of 5% and credits based on deductions and personal exemptions that phase out at higher income levels and are indexed for inflation. Reductions in the state sales tax (.1%) and in the tax on food (1%), which taxes low-income families disproportionately, were added to the bill, which we hope will result in a more progressive system overall. The League supports removing the food tax so long as replacement revenue is found. Removing it gradually year by year should make it easier to replace the shortfall by economic growth. But the portion of sales tax revenue earmarked for transportation was doubled, which will take money from other needs and reduce budget flexibility.

League members favor increased funding for transit rather than roads.

In a year when the state tried to control local government's use of their sales tax revenue and direct it to roads and soccer stadiums, the **League supported HB 203 – Local Option Distribution Formula** a bill designed for Cache County that would allow it and other small counties to distribute taxes in a different formula after designing and adopting an agreed upon plan. For ten years Cache legislators have asked the Legislature to allow them to use their taxes for farmland preservation if they so desire, but once again the attempt **failed** on the house floor.

Second Tier Priorities:

League members asked the Lobby Corps to also monitor:

#1 Water - In-Stream Flow, Snake Valley Study and Litigation, Water Conservation

The League urged the House to **support HB 422 Dividing Groundwater with Another State** as originally written to set up an advisory committee, require that all the scientific studies of the hydrology of the basin be completed, and that both the legislature and the governor must approve before any deal would be struck between Utah and Nevada over Snake Valley groundwater. The third version of the bill, which was watered down to include only the advisory committee, passed the House but died in Senate Rules.

#2 Energy Conservation and Alternative Energy

4th Substitute HB 122 Clean Air and Efficient Vehicle Tax Incentives would have provided a \$1000 tax credit for new vehicles meeting air quality and fuel economy standards. It **passed the House** and the **League asked House leadership** to encourage

the Senate to allow a vote on it. But it died in Senate Rules. A revolving loan fund for energy efficient school buildings (**HB 351**) and efficient purchase and management of state vehicles (**HB 110**) did pass.

#3 Nuclear Waste and Permanent Perpetual Care Fund

The League was prepared to oppose legislation that might limit funding for the permanent perpetual care of nuclear waste, but no bill appeared. **SB 155**, which exempts Energy Solutions license changes from local government planning and zoning approval, and from legislative and gubernatorial approval, did pass. The governor was urged to veto it but allowed it to become law without his signature. Recently he has struck an agreement with ES not to double the current amount of waste stored as had been planned.

Many thanks to all of you who helped the League at the legislature this year. We hope many more of you will join the effort by getting to know your legislator, lobbying at the Capitol (it should be open again next session), following web-casts on le.utah.gov, and learning about League issues on KCPW, by email and at lwvutah.org. You are the best!

LWV-US - ACTION ALERT: House to Vote on DC Voting Rights!

The full House of Representatives is set to vote on the District of Columbia Voting Rights Act the week of March 19. Please contact your Members of Congress immediately and urge them to vote for the legislation to provide a vote in the House for the citizens of our nation's capital.

The Committee on Oversight and Government Reform and the Committee on the Judiciary both approved the DC Voting Rights Act the week of March 12, clearing the way for historic action in the full House of Representatives. Passage of this legislation will be another step in the long struggle for full voting rights for every citizen in our nation.

Citizens of the District of Columbia pay U.S. taxes, fight and die for the U.S. during wartime, and are governed by the laws that Congress passes. And yet they have no voting representation in Congress. They have only a non-voting delegate in the House of Representatives.

The "District of Columbia House Voting Rights Act," sponsored by Delegate Eleanor Holmes Norton (D DC) and Representative Tom Davis (R VA), would right this wrong. The legislation provides voting representation in the House for DC citizens by increasing the size of the House by two seats – one for DC and the other for the state of Utah, which is entitled to the next seat by size of population. This balanced approach provides voting rights for District citizens without upsetting the partisan balance of the House.

Americans living in the nation's capital deserve to have voting representation in the body that makes their laws, taxes them and can call them to war. Only Congress can ensure that the democracy Americans have espoused and fought for across the globe becomes a reality in the nation's capital.

A basic principle of democracy is at stake. Your Representative needs to hear from you today! Please urge your Representative to support the DC Voting Rights Act.

PROGRAM - Janice Gygi

Program Considerations for LWV Utah State Convention

At the State Convention on April 13th and 14th, the delegates will select new programs to be studied during the next two years (2007-2009). Each local league was asked to forward recommendations for studies that they would like to do or have done. The State Board has evaluated the programs and selected those that will be recommended at the convention. The two categories of programs are state-recommended and not state-recommended. Both state-recommended studies below have a person or group that has committed to leading the study. On April 13, the items on the program will be presented. The Board-Recommended Program will be open for discussion and the wording may be changed. Non-Recommended Program suggestions will also be included in the Convention Handbook. However, a league member will have to move to have the issue 'considered' in order for there to be discussion and voting on that issue. For a study to be selected by the delegates it is usually important for a chair or



group to be willing to head the study. On April 14th, a vote will be taken as to which studies will become part of the LWV Utah program. Below is a preview of the studies that have been suggested. Be prepared to speak and support your choice.

Following are the programs that will be in the Convention Handbook.

LEAGUE OF WOMEN VOTERS OF UTAH PROGRAM 2005-2007

[The following items were adopted at the 2005 LWV Utah Convention. They will be discussed for continued inclusion.]

- I. Promote election process reform.
 - a. Participate in the implementation of the federal Help America Vote Act (HAVA).
 - b. Act to improve the election process, including voter registration and election procedures, election equipment, and redistricting for federal and state candidates.
 - c. Complete and implement consensus on the Utah League Study of Election Systems.
 - d. Promote campaign finance reform with a primary focus on campaign contribution limits for candidates for state offices, personal use of campaign funds, and lobbyist gifts and contributions.
- II. Review all current Utah League positions to resolve inconsistencies and to determine their adequacy for current policy issues.
- III. Act to promote community awareness of the issue of health care for the uninsured and review LWVUS policy on health care.
- IV. Act to implement League consensus positions regarding nuclear waste.
- V. Act to implement League consensus positions regarding the Utah corrections system.
- VI. Act to protect Utah's citizen initiative process.

NEW PROGRAM RECOMMENDATIONS FOR 2007-2009

BOARD RECOMMENDED STUDIES

- I. **Study of Utah's Water Allocation** [Submitted by the Salt Lake League to be considered for the second year of the biennium].

The scope would include:

 - a. How much do we have – for people and the environment?
 - b. How much is renewable?
 - c. What percent is allocated for human activities?
 - d. How much water do we need or will we need in the future?
 - e. Do we want to divert more water from natural habitats?
- II. **Direct Election Of The President** [Submitted by Salt Lake League]
 - a. Study the direct election of the president by means of a compact among states to give each signatory state's electoral votes to the winner of the popular vote when and if enough states have signed up to give that candidate the electoral college majority. If we agree that this is a good idea, we would then work with other state and local leagues to persuade the LWVUS to join with other groups who are promoting direct election of the president with the state compact system.
 - b. Background. The LWVUS already has a position in favor of the direct election of the president. Current wisdom is that it is politically impossible to amend the Constitution to eliminate the electoral college. The compact among states is an end run around this bottleneck. It is a means to an end so technically does not require a new position statement although we might want to add some intent language to the national position which we could adopt as our own. The enabling legislation has been passed in several states sponsored by both Republicans and Democrats. It is not a liberal plot.
 - c. Materials and procedure. Explanatory material is already available from the organization National Popular Vote as are arguments in opposition. They would be placed on the LWVUT web site for easy access to all League members.

NON RECOMMENDED ISSUES FOR CONSIDERATION

- I. Government: (includes election laws and procedures, Utah State taxation, Utility regulation)
 - a. Monitor proposed legislation to merge UTA & UDOT.
 - b. Electronic voting (safety and cost); independent non-partisan redistricting commission; income tax reform; Committee on Consumer Services.
- II. Natural Resources: (includes energy, land use, waste management, water, resources, nuclear waste, energy)
 - a. Mercury in GSL--what does it mean to people who don't eat ducks or brine shrimp; managing water resources.
 - b. Water Conservation. Mercury in water; mustard gas
- III. Other New Study Suggestions
 - a. State study of Utah/Nevada water

- b. An update on the legislative constraints on local sales tax
- c. Study reviewing extant “principles of effective governance” in state legislatures
- d. Health care/insurance for all; effectiveness of drug courts
- e. Impact of vouchers on public education
- f. Study of impact of the “No Child Left Behind” act
- g. Pay Day lending
- h. Survey what teachers think can be done to improve ACT scores.
- i. Study having election day declared a holiday

Consider these program suggestions. Plan to attend the convention and support your choices. If you cannot attend, take the time to discuss them with the delegates from your league. Thanks for your consideration of these important issues.

RDA Study Background

The 1% Local Option Sales Tax

By Alice Larkin Steiner

Local governments in Utah have the option to levy a 1% sales tax. The sales tax is collected by the Utah State Tax Commission and divided between local governments using a formula of 50% of local sales tax collections distributed based on population and 50% distributed on the basis of where the sale was made or “point of sale.” Prior to 1991, distributions were more heavily weighted towards point of sale. When the 50/50 formula was adopted, all communities were guaranteed that they would receive at least 75% of the sales taxes generated within their community. In 2006, a bill passed the legislature that will phase out this hold harmless provision and, eventually, result in distributions based only upon the 50/50 formula.



The local option sales tax has changed the incentives to local governments for generating revenue to provide government services and planning for the future of the community. At present, most localities try to increase their revenue from sales tax so that they can either increase services or decrease property taxes. Although sales taxes are considered to be a regressive tax, surveys of taxpayers consistently indicate that sales tax is a preferable tax to the property tax. It is paid in small increments and is reliably computed. Local governments in Utah do not share in the income tax, so they are not particularly interested in attracting jobs. But, from a tax perspective, employees are better than residents. Commercial buildings generate property taxes based on 100% of their value, while residential properties generate taxes from only 55% of their value.

Retailers that generate sales volumes in excess of \$25 million per year are the type of business most financially-savvy communities want to attract. Under the current formula, a \$25 million per year retailer will generate at least \$187,500 per year in tax revenue. ($\$25 \text{ million} \times 1\% \times 75\%$) The cumulative effects of many communities competing for large retailers include:

- **Winners and losers re tax burden:** People who live in communities that are well located for retail expansion pay lower taxes for the same level of services than people who live in less well located communities. This occurs because people who live in less well located communities travel to other communities to make their purchases. They pay the local option sales tax to the community where the sale is made and pay relatively higher property taxes to support public services in their home community.
- **Winners and losers re tax investments:** Large retailers are often offered a tax reimbursement to cover some of their site development or building costs since they generate sales taxes for the community. In the end, the large retailers are receiving some level of services for free while all other property owners in the community must pay. Additionally, when the retail is located in a redevelopment or economic development project area, the tax reimbursement is usually made from the property taxes which are levied by the local municipality, the county, the schools and the special districts. Since the schools and the special districts do not receive sales tax, their property taxes are being used to increase sales taxes to the municipality.
- **Zoning excessive land for strip retail and a dramatic expansion in retail square footage:** If retail uses provide a higher tax return than all other uses, it is reasonable for each community to zone as much land as possible for

retail. National statistics show that between 1986 and 2003, the amount of shopping center retail space per capita increased 37%¹. Slowly, our communities are becoming indistinguishable retail corridors.

- Lower cost goods: It is probable that the extensive retail competition, combined with the outsourcing of the manufacture of retail products, has resulted in lower prices for most categories of standard retail goods.
- Loss of small town community: The growth of large retailers has occurred at the expense of smaller retailers. Large retailers can take advantage of cost savings related to economies of scale—centralized purchasing, centralized shipping, lower employee costs, etc. But, small retailers do more than provide generic goods for sale. Small retailers have a vested interest in the community and provide a personalized shopping experience.

The communities who actively compete for the large retailers claim that they must do this to attract the stores that their constituents want.

League members can choose to support or not support these trends by choosing where to spend their retail dollars. But, these small steps will not result in changes in public policy. League members may also want to support tax proposals that encourage a distribution of a larger portion of sales taxes based on population and a lower distribution based on point of sale. If most retail sales taxes were distributed based on population, municipalities would care more about attracting residents, rather than retail.

Additional notes on questions posed by units discussing the RDA Study

(<http://www.lwvutah.org/Studies/RDA%20Study%20revised.pdf>)

- RDA's are created by cities and have the ability to create project areas within the city that created it. Counties can also create RDA's for unincorporated areas.
- There is no state office that is legislatively mandated to pay attention to RDA's. The State Auditor collects a very sketchy financial report annually from each RDA, which I think goes into a file somewhere. The State School Board has an employee, Larry Newton, who has made it his job to track RDA's since he has been on every Taxing Entity Committee (TEC) created since 1993. He posts on the School Board website the budgets approved by the TEC's, but he doesn't have a good way to monitor whether the budgets are high. (Because RDA's only get a tax increment if it is generated by the project area and they can't predict what the assessor will value the project at. RDA's tend to ask for higher budget amounts than may actually materialize.) The Governor's Economic Development folks work with the RDA's on various projects, but do not have a say on what they do or a responsibility to monitor them.
- RDA's are not under a County umbrella.
- By state statute, an RDA Board is the elected legislative body of the city or county that created it. The RDA Board oversees all of the project areas within the city that created it. The role of the Mayor is determined by the RDA's bylaws.
- Selection of the executive director is usually an executive branch function exercised like the selection of top management for a city department. The personnel department advertises and screens, a selection committee interviews, the mayor makes the final determination, and then requests 'advice and consent' from the legislative body. In smaller cities, being the RDA executive director is part of the job description for another city position, like planning director, or economic development director. Staff below the executive director is selected like other staff in the city or county.
- Staff is usually paid out of the city budget, rather than the RDA budget. But in Salt Lake City, the staff is paid from the RDA budget and the RDA budget also goes to reimburse the city for city staff time spent on RDA matters.
- RDA staffs are civil servants under the civil service rules of the city or county.
- In Utah, RDA's cannot do anything without normal planning process approvals, which they do not control.
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MEMORIAL FUND

The Memorial Fund, a joint savings account for both the State and the Salt Lake Leagues, has a current principal of \$5000.00, which is used for office supplies and/or equipment. Stuart Gygi, the Salt Lake League Treasurer, chairs the Memorial Fund Committee. In addition both Salt Lake and State have two representatives. The committee meets whenever the office has a need for equipment. For example, the fund recently purchased a copy/fax/scan/printer and a new DSL modem.

This fund is available for contributions from members or non-members in memory of League members who have passed away.



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We believe that sensible, responsible, civil discourse and action based on substance, rather than partisan battles is essential if we are to avoid polarization and get something done. We believe that American democracy is at risk and that now is the time to act.

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