



# Tennessee Voter

League of Women Voters of Tennessee, P.O. Box 158369  
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## Fall 2011

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#### Brief Calendar for 2011-2012:

**NOV. 30: DEADLINE for LLs to  
REPORT RESULTS of CONSENSUS  
MEETINGS**

Dec. 15: Bill of Rights Day

Jan. 1: Quarterly PMP due to  
LWVTN

Jan. 1: Deadline for LL bylaw  
amendments to LWVTN for  
comment

Jan. 21: State Board Meeting,  
Nashville

Jan. 31: Membership Count deadline  
(LWVUS for PMP)

March 6: Presidential Preference  
Primary

April 1: Quarterly PMP due to  
LWVTN

### *President's Letter*

This has been an eventful fall for the League. Some of the highlights include:

- The LWVTN, joined by LWVUS, submitted comments to the Department of Health and Human Services Centers for Medicare and Medical Services regarding the Patient Protection and Affordable Care Act's proposed rule on the establishment of exchanges and qualified health plans. Please see our web site <http://lwv-tn.org/default.aspx> to read our comments.
- We have sponsored a Redistricting Contest for Tennessee. Redistricting always follows the census, and is done differently in each state. The deadline for entries was Nov. 11<sup>th</sup> and the award ceremony was on Nov. 18<sup>th</sup>. Since the results and ceremony occur after this issue of the Voter has gone to press I cannot tell you the winners yet. For more information, please check our web site. We hope the contest has been an educational tool for Tennessean's to discover the importance in their lives of the redistricting process, and how it works.
- We had a great fall conference in Chattanooga. Thanks to Senators Andy Berke and Bo Watson for, very informative and interesting presentations. We received updates about the Photo Voter ID bill from Mary Mancini of Tennessee Citizen Action and from our members who have been following the implementation of the bill. See more details in this Voter.
- The State Action committee has sent out a survey to the membership on action priorities. Many of you participated, but if you have yet to fill in the survey, I hope you will soon.

Now, with fall slipping into winter, we need to be looking towards the state legislative. I hope you will read and respond to the weekly legislative reports (put out by our lobbyist, Stewart Clifton). If you have not been receiving them, please make sure your local league has your correct e-mail information. Our state action needs support from across the state to provide feedback to our legislators on the issues important to us. The League needs financial support from our members as well. We need an additional \$2100.00 to fund the lobbyist salary for the 2011-2012 legislative session. Please consider giving, many small donations do add up. One last item- the consensus questions for the Open vs. Closed Primaries study are in this issue. We will be putting the study material on the state web site. The due date is March 31<sup>st</sup>. Please send to the Study Chair Leslie Collum of Murfreesboro- mail to: [lesliecollum@bellsouth.net](mailto:lesliecollum@bellsouth.net).

Thank you,  
Margie Parsley, LWVTN President

You have heard it before, one thing for certain is change and that certainly applies to the change in TCA Title 2 "Elections" in the 2011 legislative session.

The Tennessee Voter Photo ID Bill passed in the 2011 legislative session and will become effective January 1, 2012. Beginning January 1, 2012, all voters must present a State or Federal-issued identification containing both their name and photograph as proof of their identity prior to voting. The law includes exceptions to the requirement and you should go to the new website specifically set up for the new photo id bill for detailed information on acceptable identification and the exceptions: <http://www.govotetn.com/>

For those who have examined the law, many "what if" questions have come to mind. State or Federal-issued identification....that in itself has raised questions on exactly what that (acceptable ID to vote) is, what that isn't. Voters presenting identification that isn't -- id not considered to meet the requirement -- will vote by provisional ballot that will be counted only after presentation of acceptable identification. Obtaining that acceptable identification and presenting it in the time allowed has also generated a lot of questions about convenience, cost and intent.

A state driver license is the preferred identification, however, this immediately raises two concerns: 1) Tennessee law has a little caveat that says anyone over the age of 60 may opt-out of having their photo on their driver license (a significant difference from the Indiana state law from which the TN was constructed) and 2) Only 33 of the 95 counties have full Driver License Service Centers that can issue the preferred identification. (If you go to the website, you will learn that a license from any state will be acceptable and it can be an *expired* license.)

The Division of Elections under Tennessee Secretary of State Tre Harget initiated a statewide outreach to get the information out to all voters with plenty of time to obtain the necessary photo id. Early on the department gave presentations to explain the new requirements, provided hard copy information for distribution and issued multiple press releases through various media and public groups. The communications plan grew to include PowerPoint presentations, video presentations, new websites, statewide town hall meetings and publicity through a variety of groups and organizations to their member network. In response to questions and concerns by people across the state, the Department of Safety (Driver License Center) created an express window in each center for people only wanting a photo id in order to meet the voting requirement. In addition, the Department of Safety agreed to be open on the first Saturday of each month through February solely for photo identification in order to accommodate people who cannot go to a driver center during normal hours. Then, 30+ County Clerk offices have agreed to assist voters who need driver licenses re-issued to include a photograph. Lately, it has been an effort to keep up with the press releases and to confirm the message in each one.

Like it or not, the law is the law. Your State League and Local Leagues have been quite active in efforts to both better understand the requirements of the law and to distribute information about the new law. Toward this, we have an on-going dialogue with local Administrators of Elections and the state Coordinator of Elections to address questions. We owe our own Mary Headrick, LWVKKC, for organizing one of the first presentations by State Coordinator of Elections, Mark Goins and attended by area legislators and election officials. Since then, many League members have attended county meetings with their Election Officials and held their own public meeting about the new law.

On November 1, several League members and Voter Service Chairs attended the State Division of Election Town Hall meeting. We had good representation in both our local county and neighboring counties. We shared information to confirm consistency in the message and to gather information from the numbers in attendance. Generally, the attendance was low, averaging 12 people, but the meeting agendas were consistent with a state-produced video followed by audience questions.

Going forward, League members should continue to familiarize themselves with the new law, to discuss it with as many people as we can, to build coalitions with churches and other organizations to disseminate the information. I know of a couple of churches that are putting copies of the state handout in their Sunday bulletin. In addition, I ask that you continue to forward questions to legislators, to your County Election Officials or to me for research.

Of most importance will be to have observers at the polls on Election Day. People/voters are slow to recognize and react to an issue until it impacts them personally and we will not have good understanding of the implications of the new law for Tennessee voters. Until Tennessee elections occurs the new law's effects have not been tested. By poll watching we can determine if the new law is causing confusion or frustration for voters and if the number of Provisional Ballots is larger than usual. We will need facts to bring to the legislature for any legislative action.

The year 2012 has several significant events in Tennessee Elections:

- Tennessee State Primary - March 6, 2012
- Tennessee State Redistricting deadline - (est.) April 2012
- County Primary Elections - May 1, 2012
- Tennessee State Primary and County General Elections - August 2, 2012
- State and Federal General Election - November 6, 2012

We can help these changing situations. With our knowledge, experience and professionalism, we can observe and assist the voting process. I ask that you please consider being a poll observer or even a poll worker on election day. Contact your local/county Administrator of Elections to ask about doing this. League members are considered to be well educated on the law and a good source for services on Election Day. I'm told that some Nashville League members plan to collect their income from working the polls and donate it back to the League! What a great idea! That's the League for you.

**OPEN/CLOSED PRIMARIES PROS & CONS PLUS CONSENSUS QUESTIONS**

The LWVTN study of open vs. closed primaries will be wrapped up next spring, with a response deadline of March 15. Some pros and cons are listed below and more data as well as pros and cons about the issue will be provided to local Leagues and posted on our website by the end of the year. Listed below are the consensus questions that you, as members, need to answer. If you have specific questions about the study, please contact study chair Leslie Collum, [lesliecollum@bellsouth.net](mailto:lesliecollum@bellsouth.net).

**Definitions:**

- **Closed:** only members of the party can vote
- **Semi-closed:** non-aligned voters may participate but not members of other parties
- **Semi-open:** any registered voter can participate, but voter must declare to election officials which party primary he/she wishes to participate in
- **Open:** any registered voter can participate without declaring a party preference to election officials, but only in one party primary per election
- Closed and semi-closed primaries are the only primaries that require a state to track party affiliation

**Primaries: Open or Closed? Opinion and Debate from the Internet**

<b>Voter choice: Do open primaries improve voter choice?</b>	
<b>Pro:</b> Open primaries favor voter wishes over party establishment's * Open primaries advance two most-favored candidates to general * Open primaries produce competitive, substantive general elections * Open primaries are similar to how local leaders are elected * Open primaries foster nuance and choice within a party	<b>Con:</b> * Open primaries allow nominations inconsistent with party member views * Open primaries reduce distinctive ideological choices * Open primaries push third parties out of general (reduce choice)
<b>Voter participation: Do open primaries improve voter participation?</b>	
<b>Pro:</b> * Primaries can decide elections; they need to be inclusive/open * Open primaries let independents/-third-party-voters participate * Open primaries increase Independents' participation in general election * Independent voter base is growing, favoring open primaries * Open primaries demand more from voters in assessing candidates	<b>Con:</b> * Open primaries undermine party affiliation and voter participation * Open primaries disincentivize engagement by core party activists * Open primaries lower turnout by eliminating clear choices
<b>Moderation: Do open primaries promote moderates over extremes?</b>	
<b>Pro:</b> * Open primaries favor moderate/pragmatic candidates * Closed primaries have political extremes determine nominees * Open primaries can spur new, moderate coalitions * Open primaries end "us vs them" partisanship voting * Open primaries increase bipartisanship/productivity in govt	<b>Con:</b> * Open primaries produce moderate candidates that lack core beliefs * Closed primaries check centrism in general election * Open primaries will make politics more bland
<b>Third parties: Do open primaries help/hurt third parties?</b>	
<b>Pro:</b> * Open primaries let independents/third-party-voters participate * Open primaries lend cred to third-party candidates	<b>Con:</b> * Open primaries push third parties out of general elections * If people want "choice" in a party, they should join it

<b>Free association: Are open primaries consistent with right of free association?</b>	
<b>Pro:</b> * Primaries are too important in democracy to be internal to parties * Open primaries preserve right of parties to endorse nominees * Closed primaries can also violate free assoc.	<b>Con:</b> * Open primaries violate right of free association * Primaries are internal matters for party to choose best candidate * General election are open; primaries are OK to be closed.
<b>Manipulation: Are open primaries at risk of voter manipulation?</b>	
<b>Pro:</b> * Voter manipulation risk too small to outweigh open primary pros * Manipulative tactics in open primaries rarely materialize * Prospect of open primary manipulation incentivizes engaging voters	<b>Con:</b> * Open primaries allow tactical manipulation * Open primaries abused to oust sitting politicians
<b>Party power: Do open primaries increase/decrease party power?</b>	
<b>Pro:</b> * Parties like closed primaries because extremes help fundraising * Open primaries favor best candidate over party affiliation * Open primaries free candidates from party affiliations * Open primaries favor new candidates over establishment	<b>Con:</b> * Open primaries allow nominations inconsistent with party views * Open primaries diminish value of party influence * Open primary cost barrier diminishes prospects for outsider candidates

Source: <http://debatepedia.idebate.org/en/index.php/Debate: Open primaries>

“How closed primaries further polarize our politics”

“By excluding independent voters, who generally are ideological moderates, the (closed primary) restrictions narrowed the internal debate within both parties and accelerated the radicalization of American politics... Closed primaries affect politics and public policy. They are empirically skewed to the parties’ base constituencies, exaggerating their role and impact... The hybrid model used in New Hampshire allows registered independents, who often determine general election outcomes, to participate in the Democratic or Republican primary while protecting each major party from crossover by the other.”

Source: Mark Siegel, former executive director of the Democratic National Party, writing in The Washington Post, 9/4/2011

Primary Election Systems and Representation, a study by Gerber and Morton

Strategic voting: Voting in the other party’s primary for the more radical candidate so your party’s candidate has a better chance to win

Sincere voting: voting for the candidate you most hope will win the general election

Theory: Strategic voting is costly in closed primaries since you have to join the other party to do it; it is not costly enough in open primaries.

Semi-closed primaries seem to have the best balance between incentives for sincere and strategic voting.

Findings:

States with closed primaries end up with the most extreme representatives in Congress

Open and semi-closed primaries are about the same

Source: [http://wikisum.com/w/Gerber\\_and\\_Morton:\\_Primary\\_election\\_systems](http://wikisum.com/w/Gerber_and_Morton:_Primary_election_systems)

Political science researchers from the University of Arizona and New York University found that when candidates must compete in open primaries, they are less likely to hold extreme positions that would not appeal to moderate voters.

Challengers to incumbent politicians are also more likely to win an open-party primary, and third-party candidates throw their hats in the ring more often when parties offer open primaries.

Source: [www.ehow.com/about\\_6367990\\_closed-vs\\_open-primary...](http://www.ehow.com/about_6367990_closed-vs_open-primary...)

Why Open Primaries Are a Really Bad Idea

“The open primary system is a leftover from the bad old days of the Solid Dixie-er-Democratic South where, at the time, the Republicans had so small a chance of being elected to anything that the primary was essentially the November election... What the open primary does now is offer an open invitation to mischief... The open primary is also an invitation for one party to see to it that the weakest possible candidate of other party wins to ensure that their real candidate has a better chance in the general election... Primaries are (or should be) an internal function of the political parties... If you want to participate, register to vote with a party affiliation. Doing that doesn’t mean that you have to vote for the candidates of the party exclusively and forever, it just allows you to help pick their candidates.”

Source: James Frye’s 6/9/2010 opinion column, quoted on Alan Colmes’ Liberaland, [www.alan.com/2010/06/09/why-open-primaries-are-a-really-bad-idea/](http://www.alan.com/2010/06/09/why-open-primaries-are-a-really-bad-idea/)

## CONSENSUS QUESTIONS

One of the stated purposes of TN elections laws is "maximum participation by all citizens."

1. What type of primary best meets the maximum participation goal?

Closed      Semi-closed      Semi-open      Open

State law requires primary elections for governor, state legislative seats, and Congressional seats, funded by county Election Commissions.

2. What type of primary should these state-mandated, publicly funded primaries be?

Closed      Semi-closed      Semi-open      Open

TN state law is written for closed primaries, but primaries currently function as *de facto* semi-open primaries.

3. Should they remain semi-open?      Yes      No

4. Should they become open?      Yes      No

5. Should they become semi-closed?      Yes      No

6. Should they become closed?      Yes      No

In general, candidates for other partisan elections (county, judicial, etc) can be determined by a primary, a caucus, or any method chosen by the political party. If the party chooses a primary, the county Election Commission must conduct and fund it.

7. Should these primaries be:

Closed      Semi-closed      Semi-open      Open

8. Should the issue of public funding be a factor in whether primaries should be open or closed?

9. Should the issue of voter turnout be a factor in whether primaries should be open or closed?

**ACTION LEAGUE REQUEST**

The Tennessee General Assembly will consider many serious issues during its upcoming session. LWV members have worked hard to support good government and implement LWV priorities. Much of this work will be challenged in the months ahead. To focus advocacy efforts more effectively, the Action Committee wants to know what is important to you. Your support of these issues and willingness to work on them makes an important statement to public officials.

Please rank the issues listed below, indicate your willingness to contact and/or host a coffee for them. Estimate the number of hours per month you would work on any issue. Rank Issues 1 most important to 9 least important.

**PLEASE RANK THE FOLLOWING ISSUES 1-9 IN ORDER OF IMPORTANCE FOR LEAGUE TO ADDRESS DURING THE NEXT YEAR.**

\_\_\_\_\_ **Appropriations: Maintain funding of safety net services for the neediest citizens.**  
Contact legislator? Yes\_\_\_ No\_\_\_ # Hours/month I'd volunteer\_\_\_

\_\_\_\_\_ **Education: Maintain funding and support for the public school system and Race to the Top.**  
Contact legislator? Yes\_\_\_ No\_\_\_ # Hours/month I'd volunteer\_\_\_

\_\_\_\_\_ **Elections: Educate voters about new photo ID law and citizenship requirements.**  
Contact legislator? Yes\_\_\_ No\_\_\_ # Hours/month I'd volunteer\_\_\_

\_\_\_\_\_ **Environment: Protect and strengthen standards to improve air, water, land and energy quality.**  
Contact legislator? Yes\_\_\_ No\_\_\_ # Hrs/mo I 'd volunteer\_\_\_

\_\_\_\_\_ **Health Care Reform: Implement Affordable Healthcare Act.**  
Contact legislator? Yes\_\_\_ No\_\_\_ # Hrs/mo I 'd volunteer\_\_\_

\_\_\_\_\_ **Immigrants: Increase opportunities for immigrants and oppose legislation to dehumanize them.**  
Contact legislator? Yes\_\_\_ No\_\_\_ # Hrs/mo I 'd volunteer\_\_\_

\_\_\_\_\_ **Judiciary: Retain merit-based judicial selection for appellate judges.**  
Contact legislator? Yes\_\_\_ No\_\_\_ # Hrs/mo I 'd volunteer\_\_\_

\_\_\_\_\_ **Open Government: Maintain open meetings, government transparency, fair elections.**  
Contact legislator? Yes\_\_\_ No\_\_\_ # Hrs/mo I 'd volunteer\_\_\_

\_\_\_\_\_ **Tax Reform: Provide sufficient revenues through an equitable and fair taxation**

Your name: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
US Representative: \_\_\_\_\_  
Tennessee state Senator: \_\_\_\_\_ Tennessee state representative: \_\_\_\_\_

Would you be willing to host a coffee for your legislators? \_\_\_\_\_ Yes \_\_\_\_\_ No

Please fill out the information requested below and return this survey to [bdevaney@comcast.net](mailto:bdevaney@comcast.net) or mail to Barbara Devaney, 2813 Tyne Blvd, Nashville, TN 37215. Thank you.

Submitted by Barbara Devaney

## **CLIMATE ACTION CAMPAIGN**

- **“The Cleanest Energy is the Energy NOT used”. Please consider joining this campaign to improve energy efficiency and reduce kWh demand (especially the 4-6 PM and Summer peaks). Obtain an energy audit of your home (if none in past 2 years) through your electric distributor’s version of TVA’s program. Align with those of us hoping to protect the climate, to recruit others to obtain audits, to express belief that climate is changing and to alter TVA plans – all challenging tasks. Please go online to [sc.org/tn-climate](http://sc.org/tn-climate) to learn more and enroll or contact Mary Headrick of LWVTN to learn more. Our LWV US website has climate change articles.**

**Submitted by Mary Headrick**

## **STOP LOW LEVEL RADIATION LANDFILL DUMPING**

**Support LWV Memphis in its efforts to stop low level radiation landfill dumping over the aquifer that supplies drinking water to many in West Tennessee. Did you know that private companies in Oak Ridge now accept low level radiation waste from many states and even Germany? They incinerate that radioactive waste and discard the radioactive remains in four Tennessee landfills. Let TDEC, the governor and your elected officials know you are concerned. Let’s learn more about this issue. Our Memphis league member Rita Harris, via [rita.harris@sierraclub.org](mailto:rita.harris@sierraclub.org), is our contact for this important issue.**

**Submitted by Mary Headrick**

**DONORS TO LWVTN LOBBYIST FUND  
(July 1 through October 28, 2011)**

Thanks to the following contributors for supporting the lobbyist fund.

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The LWVTN lobbyist is an essential component of LWVTN efforts on our issues at the state level. In addition to working with the state action committee, the LWVTN lobbyist's weekly legislative reports enable each of us to be more effective in our individual outreach to elected officials. There is strength in numbers...including the number of donors to the LWVTN lobbyist fund.

Contributions, made payable to LWVTN, can be sent to:

LWVTN Treasurer Marian Ott  
408 West Hillwood Drive  
Nashville, TN 37205