

# The VOTER



League of Women Voters of Greater Birmingham

## LWVGB and UUCB Co-host Alabama Election Issues Forum

By Jean Johnson

### VOTE TUESDAY NOVEMBER 6!

Get information about all statewide amendments at [www.lwval.org](http://www.lwval.org).

You can also create your own custom ballot with the Voter Guide tool at [www.vote411.org](http://www.vote411.org), the League's go-to election information website.

#### Inside this issue:

*October 28 Election Issues Forum* 1

*Constitutional Amendments* 2

On Sunday afternoon, October 28, 2012, LWVGB co-hosted the forum "Critical Thinking: Election Issues for Alabama Voters" with the Unitarian Universalist Church of Birmingham (UUCB). The forum was held at the UUCB located at 4300 Hampton Heights Drive, Birmingham, AL 35209.

With the 2012 General Election approaching quickly, Jefferson County voters eagerly turned out to learn and participate in this lively and very timely discussion of Alabama Election issues. What are the constitutional amendments on the Nov. 6 ballot, and what are the consequences of passing or defeating these referendums? How are recent changes in election laws, including campaign finance laws, changing our democracy and election outcomes?

The three panelists were well-versed in their fields. By offering essential facts coupled with their own thought-provoking questions, they

engaged the audience in discussion that reflected the group's "critical thinking" as intended. Nancy Ekberg, ACCR Birmingham Regional Chair and member of the LWV of Greater Birmingham's Board of Directors informed attendees about the eleven statewide constitutional amendment referendums and the consequences of this election on the AL constitution. Dr. Anne Permaloff, Political Science and Public Administration Professor Emerita, Auburn University Montgomery discussed the "Current State and Federal Election Laws and Impact on Voting Rights." Dr. Permaloff is also a member of the Boards of Directors of LWV of Alabama and LWV of Montgomery. Dr. Natalie Davis, Professor of Political Science and Pre-Law Advisor, Birmingham-Southern College, asked the very timely question "Are Campaign Contributions Free Speech?"

Each panelist made a 20 minute presentation, and in the segment following, forum

moderator Dr. Donald Marks directed questions from the audience. Following the forum, panelists and guests continued the discussion of election issues over coffee.

The League of Women Voters of Greater Birmingham would like to thank the Unitarian Universalist Church of Birmingham for initiating this forum and co-hosting the event at the Church. See more forum photos at:

<http://www.flickr.com/photos/lwvgb/sets/72157631890345485/>



**League of Women Voters Voter Guides Prohibited at the Polls on Election Day**

As voters head out to the polls to vote on Election Day, it's not just polling locations that may have changed this year. The League of Women Voters voter guides are no longer available in county clerk's offices or polling locations. The New Mexico Secretary of State's office says the voter guides constitute electioneering, something that is prohibited within 100 feet of a polling place. But not everyone agrees with the Secretary of State's interpretation of a 2011 law.

Nevertheless, elections officials at the Santa Fe County Clerks office complied with the Secretary of State's order to remove the League of Women Voters voter guides..

## Constitutional Amendments

by Nancy Ekberg

Three amendments on the November 6 ballot are the result of the Constitutional Revision Commission and will be a first small step to move Alabama forward into the 21st Century. These three are the following -

- Amendment 4 to remove racist language
- Amendment 9 to update & modernize the Corporations Article
- Amendment 10 to update and modernize the Banking Article.

There is controversy over Amendment 4 which removes racist language from Section 256 of the Education Article (stating that children of different races shall not attend schools together and that a poll tax for voting would fund the schools of each race). Amendment 4 removes this language from the constitution but does not remove a statement that essentially asserts that the state does not guarantee a right to a public education.

This same amendment was defeated in 2004 and it removed the statement about the state not guaranteeing a public education for its citizens.

The statement that was removed allowed Justice Roy Moore and others to mount a campaign saying that if the amendment passed, an activist judge could use the argument to force taxes to be raised. So the new Amendment 4 does not include the words that Justice Moore used against the Amendment in 2004.

Thus, the 2012 Amendment does not include the words that Justice Moore used against it in 2004, and now, there is opposition from those who feel Amendment 4 should strike additional language from the Constitution.

In 1993 a Circuit Court Case determined that an Amendment to Section 256 (Amendment 111) was un

constitutional because its intent was an unconstitutional response to *Brown vs. Board of Education*.

But the 1993 Court Decision was not affirmed by the Alabama Supreme Court that stated the Circuit Court overstepped its boundaries and that Amendment 111 was still in the Constitution. Those who object to Amendment 4 say it should not include any words of Amendment 111 because it was removed by the Circuit Court; but the recompiled version of the Constitution does not remove Amendment 111 on the basis it has not been affirmed by the Alabama Supreme Court.

Professor Howard Walthaall of Samford and the well-known lawyer Bobby Segall were consulted on this matter and they agreed to disagree.

Thus, ACCR is urging voters to pass Amendment 4 to eliminate the racist language now, and to work next year to address the Education Article.



Speakers from Election Issues Forum



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### League of Women Voters Mission Statement

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.

*Making Democracy Work!*

### League of Women Voters Education Fund Mission Statement

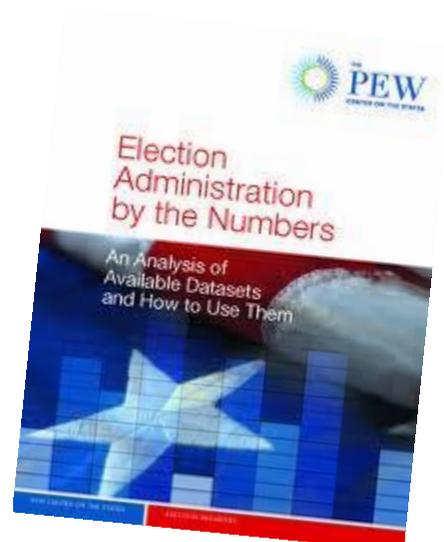
The League of Women Voters Education Fund works to encourage the active and informed participation of citizens in government and to increase understanding of major public policy issues.

**Don't forget to vote on November 6!**



## Election Administration

The veracity of elections results are continually questioned because of faulty systems. The League advocates for improved systems and machines, provisional balloting and other safeguards and improvements in voter registration systems, poll worker training and administration.



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