



# THE NASHVILLE VOTER

The League of Women Voters of Nashville

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[www.LWVnashville.org](http://www.LWVnashville.org)

Volume 65, No. 8

January 2012

## CALENDAR OF EVENTS

Date	Time	Place	Description
<b>Monday January 16</b>	11:30 am to 1:00 pm	Tennessee Alliance for Legal Services Metro Center 50 Vantage Way Suite 250 Nashville 37228	<b>LWVTN Action Committee Meeting</b> Committee members continue discussion and implementation of League priorities for the 2012 Legislative Session. For more information contact LWVTN Director Barbara Devaney ( <a href="mailto:bdevaney@comcast.net">bdevaney@comcast.net</a> ) or LWVTN President Margie Parsley ( <a href="mailto:mparsley99@comcast.net">mparsley99@comcast.net</a> ).
<b>Friday January 20</b>	9:30 am to 11:30 am	Tennessee State Capitol: Legislative Plaza Union & 6th Avenue Room 31 Nashville 37244	<b>Annual Clifton Government Relations Legislative Skills Training &amp; Tour</b> This <b>introductory-level</b> legislative skills workshop is free of charge and followed by a tour of Tennessee’s halls of power emphasizing Legislative Plaza and the State Capitol (plus secret corridors, hidden elevators, bullet holes, and the cafeteria). What participants can expect: <ul style="list-style-type: none"> <li>▪ Overview of how the Tennessee General Assembly operates</li> <li>▪ Discussion of Tennessee’s current political and legislative climate</li> <li>▪ Practical tips for lobbying and conducting effective meetings with elected officials</li> <li>▪ Opportunities for Q &amp; A</li> </ul> <p>If you are planning to attend, please <b>email Stewart Clifton</b> at <a href="mailto:stewartclifton@comcast.net">stewartclifton@comcast.net</a>. Include your name, organization(s) with whom you plan to work and/or issue(s) on which you plan to work. In the event of too many interested participants, priority will be given to early responders and, of course, paying clients of Clifton Government Relations.</p>
<b>Monday January 23</b>	5:15 pm to 7:00 pm	E/Spaces, Inc. 4322 Harding Pike, Suite 417 Nashville 37205	<b>LWV Nashville Board Meeting</b> Guests are welcome at the League’s monthly board meetings. NOTE: Location is upstairs of the Belle Meade Publix on Harding Pike near White Bridge Road. Covered parking is available. Use the elevator bank to the office building (not grocery), exit on the 4th floor, then left off the elevator, and left again to the conference room.
<b>Friday February 3</b>	11:30 am to 1:00 pm	Second Harvest Food Bank of Middle Tennessee—The Martin Distribution Center Metro Center 331 Great Circle Rd. Nashville 37228	<b>First Friday Hot Topics &amp; Lunch—How Our Judges Are Selected and Why It Matters</b> Nashville-based attorney <b>Guilford F. Thornton, Jr.</b> , a member of the Adams and Reese law firm, serves on the board of the Tennessee Business Roundtable. He also is chief lobbyist for the Tennessee Bar Association for the issue of merit-based judicial selection and will discuss recent and pending legislative developments in this area and why preserving merit-based selection is important to ensuring a fair, competent, and impartial judicial system in Tennessee. Reservations to <a href="mailto:lwvnash@gmail.com">lwvnash@gmail.com</a> <b>advised</b> ; contact LWVN VP Vickie Ziegler ( <a href="mailto:Vziegler@comcast.net">Vziegler@comcast.net</a> ) for more information.

Friday & Saturday February 10-11	TBA	Nashville 37205	<b>LWV Tennessee Board Meeting</b> Guests are welcome at the League's board meetings. Please contact LWVTN President Margie Parsley ( <a href="mailto:mparsley99@comcast.net">mparsley99@comcast.net</a> ) or LWVTN Vice President Jo Singer ( <a href="mailto:CJoSinger@aol.com">CJoSinger@aol.com</a> ), if you would like to attend.
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## From Nashville's President

New year, new adventures, new opportunities to serve our community. Presidential election years always increase voter interest and turnout. Across the country the process will be complicated by new districts resulting from the 2010 Census, an every decade event chronicling population increases and shifts in the United States. Tennessee also has a new photo ID voting law complicating how and if registered voters will be allowed to cast their vote. The League did not support the photo ID bill because it is discriminatory and risks disenfranchising thousands of Tennessee's eligible voters as well as costing untold implementation dollars that are needed elsewhere and were not accounted for in its recorded "insubstantial" fiscal note that accompanied the bill's proposal.

As LWVUS President **Elisabeth MacNamara** pointed out in her remarks on November 14, 2011 to the United States House Judiciary Committee titled "Excluded From Democracy: The Impact Of Recent State Voting Changes," standing up for citizen franchise has always been a major tenet of League work. "The League has been fighting for equal access to the polls since our inception 91 years ago, when our organization was formed by those who successfully fought to gain the right to vote for women. This year the League actively opposed voter suppression legislation in 21 states—we were successful in protecting the vote in 13 of those states but the remaining states [including Tennessee] did create new and in some cases insurmountable barriers to the polls.

"These new laws threaten to silence the voices of those least heard and rarely listened to in this country—the poor, the elderly, racial and ethnic minorities, the young and the differently abled. Now is the time to act. We must work together to repeal these unjust and prejudicial laws and implement new laws that will lower the barriers to voting and ensure that every eligible citizen will have the ability to vote and have their votes counted."

The state and Nashville Leagues are committed to encouraging, educating, registering, and helping you exercise your franchise (see LWVTN President **Margie Parsley's** January 8, 2012 *Tennessean* "Tennessee Voices" at [ow.ly/8m5Sg](http://ow.ly/8m5Sg)). We want everyone to know their correct polling place—have the required photo identification—know when and where to change their address or name, if such changes have occurred since they last voted. To that end, we need every member to join in the solution by volunteering for Voter Service activities and the 2012 Poll Watching Project. Training will be provided (see the Voter Service article for more details).

Our Tennessee General Assembly has reconvened providing daily opportunities to observe first hand what's happening at the Legislature. Work with the LWVN Observer Corps; participate in the State Action Committee; attend the Annual Clifton Government Relations Legislative Skills Training & Tour; read the Legislative Reports that you receive weekly from our LWVTN lobbyist **Stewart Clifton**; stay in contact with your legislator; volunteer to host League coffees for your legislators so that you, your neighbors, and fellow League members can learn their perspective on current legislative trends. Be part of the hands-on work leading to civic improvement—and your own civic awareness.

I hope for all good things for every one of you this year. I am proud to have so many people from so many walks of life involved in League and look forward to working with you on multiple issues. See you soon!

In League, *Jo Singer*

## New LWVUS Website—Making Democracy Work

As mentioned in the December LWVN Voter, the national League has unveiled a snazzy new website design—part of its continuing effort to inform and interact with members, the public, and emphasize League priorities while showcasing the work done by Leagues at the local, state, and national levels. Follow this link to the national website highlights about what's happening in Tennessee (<http://www.lwv.org/blog/leagues-tackle-redistricting-voter-id-and-civility>).

## LWVTN Map It Out! Redistricting Contest

by LWVTN PRESIDENT MARGIE PARSLEY

Tennessee Redistricting: **Map It Out!** concluded in October followed by the award ceremony on November 18. Tennessee's from Claiborne County to Shelby County participated and in addition to geographic diversity, submissions came from

students, professors, and retirees. There were over 50 contest registrants, which translated to 20 submitted maps. And while the LWVTN contest had a short time frame, the results compared favorably with other state Leagues in which longer contest windows often produced only 40 total submissions. In Tennessee, over 150 students collaborated on creating maps. And LWTN reached out to all the school districts and many colleges and universities, increasing awareness about redistricting. Overall the contest facilitated communication with more than 600 educators, elected officials, and professors in Tennessee.



Two high school teachers receive \$250 stipends for engaging their classes in the contest: **Addison Pate**, government teacher at Ravenwood High School in Williamson County, and **Doug Trotter**, social studies chair at John Overton High School in Davidson County.

**Dave Rosenberg**, from Davidson County won for his Congressional Map. And John Overton High School won for best high school entry of all three maps.

A junior at Ravenwood High School, **Michael Earhart**, won both the Tennessee Senate map and Tennessee House map and received a check for \$2,000.



While the Tennessee Legislature approved the Republican majority’s plan with minimal adjustments on January 12 and 13, those interested in seeing the maps produced by the **Map It Out!** contest winners can access them at <http://www.tnmapitout.com/>.



## First Friday Hot Topics & Lunch on February 3—How Our Judges Are Selected and Why It Matters

by LWVN SECRETARY DIANE DIANNI

The League of Women Voters of Nashville will host **Guilford (“Gif”) F. Thornton, Jr.**, a Nashville-based attorney with Adams and Reese, as guest speaker for its February luncheon focusing on the importance of judicial selection. Thornton is legislative counsel to businesses, trade associations, and governmental entities with interests before the Tennessee General Assembly and serves on the board of the Tennessee Business Roundtable. He formerly served on Vanderbilt University’s board of trust and as board president of the legal aid society of Middle Tennessee. In addition, he is currently chief lobbyist for the Tennessee Bar Association on the issue of merit-based judicial selection. Thornton will discuss recent and pending legislative developments in this area and why preserving merit-based selection is important to ensuring a fair, competent, and impartial judicial system in Tennessee.

Judicial selection is a complex process, so let’s briefly review the current **Tennessee Plan** for merit selection, performance evaluation, and retention for appellate judges. When a vacancy on an appellate court including the Supreme Court occurs in Tennessee, a judicial nominating commission selects a panel of nominees for consideration by the Governor who then selects a candidate for appointment. Once appointed, the judge holds office until the next general election, at which time his or her name appears on the ballot to determine whether he or she will be “replaced” or “retained.” This is known as a retention election. If the nominee is rejected by the qualified voters of the state, the nominating process starts over. If the nominee is accepted, the judge serves the remainder of an eight (8) year term. Then, before the end of his or her term, a 9-member judicial performance evaluation commission publishes an evaluation of the judge. If the evaluation commission recommends that the public retain the judge, the judge runs in another retention election. In the event that the evaluation commission does not recommend retention, then general election laws apply and the judge must run in a contested, partisan election. The Tennessee Plan was modified by the General Assembly in 2009.

During the past several years, there have been legislative efforts to end merit-based selection and retention of appellate judges in Tennessee in favor of elections (partisan or nonpartisan) of all judges. Most recently, the Tennessee Plan was to sunset in June 2007, but was extended for one year until June 2008. Because no legislative action was taken by June 2008, the committees that selected judicial nominees and evaluated appellate judges expired under the sunset provision and operated in a statutory one year wind-down period until June 2009. During the 2009 legislative session, the LWVTN’s lobbyist and Action Committee, and several other organizations, advocated forcefully for the preservation of a merit-based selection and retention system for appellate judges, and with only two weeks remaining, the merit selection, evaluation, and

retention system was preserved with modifications relating to such matters as the selection and composition of the nominating and evaluation commissions, the number of nominees submitted to the governor, and the ballot language in retention elections. The 2009 modification, moreover, required that the created commissions (the Judicial Nominating Commission and the Judicial Performance Evaluation Commission) sunset on June 30, 2012 (<http://wapp.capitol.tn.gov/apps/billinfo/BillSummaryArchive.aspx?BillNumber=SB1573&ga=106>).

The legislative challenge to the Tennessee Plan continues in the 2011-2012 legislative session. There are several pending bills that would eliminate, modify, or restrict the current system of merit-based selection and retention of appellate judges. Such bills include, among others, SB127/HB173 (election of all judges statewide); SB699/H958 (popular vote of all judges, including political party nomination for election of justices to the Supreme Court); SB281/HB231 (nonpartisan elections of Supreme Court justices); and SB646/HB1702 (requiring 75% of vote for retention of appellate judges). There also is a senate joint resolution pending (SJR183) that seeks to amend the Tennessee Constitution to expressly authorize the General Assembly, by statute, to provide for merit-based appointments and retention elections for appellate judges.

**The League continues to support the retention of the Tennessee Plan**, the merit-based process for selection and retention of judges at the appellate level, or its equivalent, as the process that best promotes a fair, competent, and impartial appellate bench and enhances respect for our court system.

### Strengths of Tennessee Plan

The Tennessee Plan was originally adopted in 1971 with bi-partisan support to secure a highly qualified, nonpolitical appellate bench. As amended from time to time, it has operated effectively for almost four decades in achieving its goals.

1. *Merit*—the Tennessee Plan provides for an extensive screening process, including application, public meetings on candidates qualifications, and investigations and interviews with applicants. It also provides an evaluation process of judicial performance to enable voters to make informed decisions in retention elections. Merit selection tends to enhance the professional qualifications of the appellate bench (in studies from other jurisdictions, judges who were found to be poor performing judges or who were disciplined or removed from office were more frequently elected judges than merit-selected judges [*see Vol. 75 Tennessee Law Review 501, 538, n. 243(2008)*]).
2. *Independence*—judicial independence is the foundation of our legal system, which is based on the principle that all who come before the court will be heard in a fair and impartial manner. Independent judges are able to act impartially and to make decisions consistent with the rule of law without concern for the day-to-day whims of politics or public opinion. Judicial independence also promotes our constitutional principles of separation of powers and serves to protect individual liberties and to ensure that minority rights are protected against popular or powerful interests. Under the Tennessee Plan, appellate court judges are not required to raise money, seek party support, or campaign for appellate office. In this way, public confidence in the integrity of the courts system as fair and impartial is enhanced.
3. *Promotes Racial, Ethnic and Gender Diversity*—a merit selection process tends to promote opportunities for selecting a more diverse group of judges. In Tennessee and nationwide, appointive systems have the potential for promoting more diversity on the appellate bench than systems that are based exclusively upon elections.
4. Although its opponents challenge the constitutionality of the Tennessee Plan, the Tennessee Supreme Court has held (and subsequently reaffirmed) that the Tennessee Plan is constitutional. A federal district court also has acknowledged that the Tennessee Plan was held to be constitutional. While opponents of the Tennessee Plan note that the Tennessee Constitution provides for the election of judges, the Tennessee Constitution also grants the Legislature the power and discretion to design the manner in which judges will be selected and retained. Courts have held that the Tennessee Legislature was acting within its constitutional powers in adopting and maintaining the Tennessee Plan as the method for nominating, selecting, and retaining appellate judges.

*The Judicial Independence Project of the LWVUS has been ongoing since 2001. For additional information on the importance of judicial independence and merit-based processes of selection, visit <http://www.lwv.org/content/safeguarding-us-democracy-quest-more-diverse-judiciary>. For additional resources, visit the website of the American Bar Association Standing Committee on Judicial Independence at [www.abanet.org/judind/home/html](http://www.abanet.org/judind/home/html); and the American Judicature Society website at [www.judicialselection.us](http://www.judicialselection.us).*

## Dollars & Sense

by LWVN TREASURER LEE FAIRBEND

As you may remember our fiscal year runs from July 1 to June 30, so as of December 31 we're looking at our financials at the half-year mark,

I am pleased to report that we are in very good shape. This is due primarily to the increase in membership as well as your

wonderful response to our request for operating funds through Finance Director **Carol McSwiney's** letter and our holiday party at **Kaye Simmons'** home.

For the next few months we'll be spending more than we're taking in, but we're going into that period with a good cushion.

We've paid most of our PMP (per member payment) to our state League as well as LWVUS, so most of our ongoing costs will be for office expenses, which have been fairly consistent during the past few years.

## Voter Service

Poll Official Coordinator **John Rutherford** spoke to the LWVN at their January Hot Topics luncheon representing the Davidson County Election Commission public outreach work. His presentation focused on the duties and responsibilities of poll workers and the important role that they play in elections. Voter Service Co-chair **Libby Thurman** reports that Rutherford's topic was well aligned with the League's interests in voting and elections issues. "His overview of each poll worker position and description of the details involved in various election day procedures will help our understanding and participation in elections through poll-watching projects," she said. In addition, information about poll worker training schedules and compensation rates offered the League the potential for a fundraising project through poll-working because Rutherford explained that members of groups may serve as poll workers and then contribute all of the income generated to their organization.

Rutherford's knowledge of election procedures was impressive as he answered questions relating to rules and regulations. He also answered queries about photo voter ID implementation and supplied poll worker registration packets so that League members could register as poll workers. There was additional discussion about whether poll workers may simultaneously serve as poll watchers. Rutherford said, "As long as poll workers performed their work without resorting to poll watching activities during their service (and without taking notes or wearing buttons while working), there was no reason a poll worker could not write up a poll watcher's report following his or her shift at the polls."



Libby Thurman introduces John Rutherford; Lynn Williams observes the trial of the video streaming process.



Tennessee Representative Brenda Gilmore joins other members for the program.

Voter Services Co-chairs Thurman and Williams are preparing to promote the LWVN Poll Watchers Project. Lynn Williams has implemented a Facebook group that will serve as a communication hub. It is currently a private group but you can see it here by asking to become a member and getting accepted at <https://www.facebook.com/groups/pollwatchers/>, search Google for "Poll Watchers Project," or sign up via the League website (<http://www.protectthevotetn.org/2011/10/31/volunteer-poll-watching/>).

At its January 9 Special meeting, the LWVN Board unanimously approved the Facebook page concept and its use “live” as a communication tool for the poll watchers project coalition. The videotaping of the First Friday event demonstrated that using LiveStream, a free webcasting platform will augment the project’s training materials (view the First Friday program here: <http://livestre.am/1dx9u>).

## Observer Corps

Observer Corps should check their e-mail inboxes for updates about opportunities for observations! And remember you can contact other 2011-2012 Observer Corps Members and accompany them :

Judy Raines, Board of Education; Barbara Devaney; Berdelle Campbell; Carol McSwiney, Finance; Nancy Hudgins, Energy, Health Care, Education; Sue Bredensteiner, Public Works, Health Care; Pat Post, Health Care; Jo Singer, Voter Issues; Nancy Whitehouse; Riffi O'Brien, Voter Issues; Libby Thurman; Pamela Atkins, Metro Council; Barbara Gay; Joyce and Bob Manyek, Budget and Environment; Margaret Byran, Channel 3; Lucy Chism, Budget Coalition; Louise Clifton; Cindee Gold; Carrie Hudson; Miriam McFadden, State Issues, Social Services; Linda McFadyen-Ketchum; Jo Ann North; Tommie Morton-Young; Elizabeth Pierce; Torji Smith; Karen Stevenson

If you would like more information or to be added to the Observer Corps, contact Barbara Gay at 297-4145 or [barbara.b.gay@gmail.com](mailto:barbara.b.gay@gmail.com).

## New LWVN Members

The LWVN welcomes new members Julia McGirt, Pat Meadows, and Tenna Cohen, and looks forward to quickly getting them involved in League work!

**Julia McGirt**, a Franklin resident for 18 years, has always been interested in the work of the League of Women Voters. She joined at the encouragement of her daughter, a League member in South Carolina, and at the invitation of a Nashville member of the League. McGirt’s is interested in providing fair and just treatment for those who are unable to provide for themselves. She is active in promoting humane treatment of animals as well. McGirt is director of Adult Choirs and Organist at First Presbyterian Church, Franklin. She looks forward to serving in the League.



A native of Nashville, **Pat Meadows** is a retired financial consultant who serves on the Fisk University Board of Trustees and as treasurer for the Tennessee Historical Society. She is also working with Marian Ott on League priorities involving open government as part of the LWVTN Action Committee.

Meadows is sympathetic to League’s focus on voter service, human needs, and education. She brings a professional demeanor and broad understanding of the Nashville business environment to League activities as well as long-term relationships with local individuals, groups, and agencies.

**Teena Cohen** joined the League because she believes if you don’t participate in government, you can’t complain. She recently retired from Metro Schools as a library media specialist and wants to become actively involved in the community. She has several friends who are League members and one of them, Lee Fairbend, recruited her.

Cohen hopes to gain new information about issues affecting our government and our community from work in the League. She enjoys the First Friday events because experts are well versed on the topics they present. In addition, she hopes to be involved with the poll-watching project because voting should have high priority in people’s lives and elections should be open and fair.

## LWVTN Action Committee

At the January 9 meeting, the State Action Committee approved its Priority Issues for the 2012 Legislative Session. Ongoing work and logistics for implementation will be discussed at the January 16 meeting (see Calendar).

There are nine issues with a committed point person from the committee as well as additional volunteers. The issues include:

Elections: Kathy Edwards and Lynn Williams

Educations: Debby Gould

Open Government: Marian Ott and Pat Meadows

Appropriations and Responsible Budget: Carole Westlake

Health Care: Pat Post and Sue Bredensteiner  
Environment: Judy Raines  
Judicial Selection: Karen Stevenson and Diane DiIanni  
Revenue: Karen Weeks  
Immigration: Lynda Burman

LWVTN lobbyist **Stewart Clifton** advised the committee that the top four priority issues should be Elections, Open Government, Judicial Selection, and Appropriations.

## ANNOUNCEMENTS

### THANK YOU! THANK YOU!

The League of Women Voters of Nashville gives a special shout out to **EJSPACES**—a new kind of office—designed for people who work from home, their cars, coffee shops, hotel lobbies, in other words mobile, connected professionals. This attractive business center combines the functionality of state-of-the-art offices with a wide variety of work and meeting spaces that offer the aesthetics of a comfortable, inviting, and professional community. Meeting rooms can be scheduled in advance. The LWVN appreciates the opportunity to hold our monthly meetings at **EJSPACES**, 4322 Harding Pike, Suite 417, Nashville, TN 37205 (615.777.8514; [info@espaces.com](mailto:info@espaces.com)).

**ATTENTION:** *The Nashville Voter* became a digital publication in Spring 2010. If you have received this copy of the *Voter* in the mail, it means the League of Women Voters of Nashville has no recorded e-mail address for you. Please help us by sending your e-mail address to [LWVNash@gmail.com](mailto:LWVNash@gmail.com). This will ensure you receive all LWV newsletters, event invitations, meeting announcements, and Call to Action alerts. Thank you, *Voter* Editor Sue Bredensteiner ([suebred@mindspring.com](mailto:suebred@mindspring.com)).