



# Positioned For Action

Complete LWV-VA Positions  
with history

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## **LWV-VA Positioned For Action**

### **FOREWORD**

This title describes very succinctly the purpose of program position items--those that have been adopted and studied by League members resulting in a point of view that can be used for League action. Just as program adoption and study involves all levels of League, action also may take place at any level and may involve various positions.

The basis for action may come from local, state or national positions. **Positioned for Action** is designed to help League leaders use the national and state program effectively at the state and local levels. This edition of **Positioned for Action** reflects the state program adopted at Council 2014, Convention 2015, Council 2018, Convention 2019 and Convention 2021.

**Positioned for Action** is a resource for League leaders. It is important for local Leagues to be familiar with state and national positions in order to utilize them effectively. The positions of the League of Women Voters of the United States are detailed in the national publication *Impact on Issues*. It can be downloaded from the LWVUS website ([www.lwv.org](http://www.lwv.org)).

In applying national, state and local positions, it is the responsibility of the appropriate board – depending on the level of action – to determine whether member understanding and agreement exist and whether the action makes sense in terms of timing, need and effectiveness. While local Leagues should consider using national and state positions for action at the local level, they are requested to inform state or national boards if using these positions. Official testimony or “speaking for the League” is only done by a League President or a designated representative.

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# The League of Women Voters of Virginia Positioned for Action

Updated Spring 2021

## **GOVERNMENT**

### **DELEGATION OF POWER**

#### **Position in Brief:**

Support for a balanced partnership between state and local government, including laws, policies and incentives that promote regional coordination and local action; and establishment of uniform powers and responsibilities of local governments by eliminating any outdated and unnecessary distinctions between cities, counties and towns. (1972 & 1991)

#### **The League's History**

The General Assembly's 1968 approval of the Virginia Area Development Act created the regional districting of the state. In 1971, consensus was sought on "regional bodies" as "agencies for coordinating activities and programs of local jurisdictions" and as "instrumentalities for solving problems which cross jurisdictional lines and for acting on them."

An update and questionnaire to determine attitudes toward planning districts around the state, distributed to local Leagues at the 1979 LWV-VA convention, resulted in League support for legislation in 1980 calling for a study of the planning district structure in Virginia. The legislation was not passed by the General Assembly.

In 1989, Convention delegates approved a two-year study of the "Delegation of Power from the Virginia Legislature to the Localities". The study highlighted the fact that Virginia operates under a strict interpretation of Dillon's Rule which states that localities may exercise only those powers specifically granted to them by the General Assembly.

The following position resulted from combining the "Intergovernmental Relations" and "Delegation of Powers" to local government positions during the LWV-VA board's review of the state positions during the 1999-2001 biennium.

#### **The League's Position**

The League of Women Voters of Virginia strongly believes that the powers and responsibilities of local Government should be established and defined to achieve a more balanced partnership with state government.

The League supports:

- The articulation of statewide goals and policies to enhance the partnership and shared responsibilities of state and local government, including regional coordination and incentives for innovative local action.
- The concept of regional bodies as agencies for coordinating activities and programs of local jurisdictions and as instrumentalities for solving problems which cross-jurisdictional boundaries and acting on them.
- Establishing broad categories of responsibility and uniform powers by eliminating outdated and unnecessary distinctions between cities, counties and towns.

Additionally, the League supports use of coordinating bodies to:

- Provide economies by avoiding duplication of under-utilized services where needs are region-wide and where there is an agreement of the need and type of service;
- Make uniform or compatible methods of data collection available to aid planning agencies and where

- actions of one locality have significant impact on its neighbors; and
- Benefit localities by exchanging knowledge of actions of other jurisdictions.

The League believes that local governments should follow similar procedures and should:

- Strive to avoid proliferation of political subdivisions;
- Ensure that the structure of governing boards is accountable and responsible to the citizenry. (1972 & 1991)

## **ELECTION LAWS**

The League of Women Voters of Virginia believes that democratic government depends on the informed and active participation of its citizens; that voting is a right and responsibility; and that election laws, regulations and administrative procedures should be uniformly designed and applied, and adequately funded to facilitate and increase voter participation throughout Virginia. The League further believes that democratic government, at the state, as well as federal, levels depends upon the voters' faith in the integrity of election processes and election outcomes. Therefore, the League of Women Voters of Virginia supports election laws, policies, and funding to ensure that elections are secure and the outcomes verified.

Specifically, the League supports measures to ensure the availability of voter registration and to encourage and facilitate increased voter participation in elections, including: absentee voting by mail and in-person without having to provide a reason; an adequate number of voting machines and trained election officers; the use of satellite voting; split shifts for election officers when needed; online voter registration; the use of electronic poll books; and measures that take advantage of technological advances, as long as they are secure. (2011, 2015, 2021)

The League supports shared funding of statewide voter registration and election systems by the localities and the Commonwealth, providing adequate authority and resources to the Department of Elections (ELECT) and the State Board of Elections (SBE) for oversight and enforcement of laws and standards for registration and elections uniformly throughout the Commonwealth, and the facilitation of convenient yet secure voting for Virginia's military and overseas voters. (2011, 2015, 2021).

The League further supports measures to secure Virginia's voter registration database, processes, and equipment against cyber- and physical threats. The League supports the introduction of ranked choice voting as an alternative to plurality voting. The League believes in increased voter access, removal of barriers to voting, such as a photo identification requirement at voting locations, and the prevention of voter suppression. (2021)

### **The League's History**

When it was reestablished as a state League in 1947, the LWV-VA adopted as its first study, "simplification and improvement of election laws to facilitate and increase registration and voting". Virginia required a poll tax as a prerequisite for voting at that time. During the 1940s, the League opposed the poll tax and other restrictive voting procedures.

In 1965, the League arrived at a position in opposition to the Freeholder Amendment to the Virginia Constitution, which would have limited voting on bond issues to property owners. Virginia had come under Section 5 of the Federal Voting Rights Act in 1965 because the state had a literacy requirement and less than 50% of its voting age population had voted in the 1964 presidential election. The League modified its position in 1967 to seek elimination of the literacy requirement, calling instead for some other means of identification for those unable to sign.

LWV-VA decided to restudy election laws in 1973. The study considered both voter registration and absentee voting (position adopted in 1975). Arguing against the notion that expanding registration opportunities constituted an illegal "solicitation" of voters, the League asked that Virginia law require election officials to make available and publicize expanded voter registration opportunities throughout their communities and the state. It also asked that election officials carry out a voter outreach program, consider other systems of voter registration, and administer election laws uniformly across the state, including the interpretation of domicile and abode for voter registration. The League stated that the emphasis of absentee voting provisions should be the expansion of

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opportunities to vote and supported what was later called “no-excuse absentee voting”. Although the League recognized the need to prevent fraud, it believed it is best prevented by proper administration of the law rather than by tightening the law to restrict voting opportunities. Later in the decade, concurrence was taken on two topics: party identification of all candidates on the ballot (1977), and payment by the state of the costs of a recount in a close election (1979). Legislation was subsequently adopted by the Virginia General Assembly on these two issues, and League members did not indicate a need for further change during the 2009-11 study.

In May 1993, Early Voting was adopted as a state study to determine the feasibility of extending the voting period in Virginia. With the imminent introduction of the National Voter Registration Act, popularly known as “motor voter”, it seemed an opportune time to consider other methods to make voting easier. Early voting was defined as a procedure used to permit voting by mail or in person on days other than Election Day. As a result of the study, the League adopted positions supporting the extension of the voting period up to one month, the ability of qualified voters to vote on Saturdays and Sundays, and early voting in person without specifying a reason. The State Board recommended a review of current state positions during the 1999-2001 biennium, at which time it combined the Election Laws and Early Voting positions.

The 2009 Convention adopted a restudy of election laws, particularly because of the enactment of national legislation, such as the National Voting Rights Act (NVRA), Help America Vote Act (HAVA), Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and the Military and Overseas Voter Empowerment Act (MOVE), since the League’s earlier studies. The study was handled in two parts, with voter registration and management considered during the first year and elections during the second year. Two lengthy studies were prepared and posted on the League’s web site so that the same information would be available to all League members in Virginia. Due to confusion about the relationship of “early voting” to “absentee voting” and the Virginia Code and General Assembly’s use of the latter term, it was used in the study’s consensus questions and materials. The LWVUS has national positions on issues such as opposition to requirements for photo identification and other measures that restrict access to registration and voting, and support of voting systems that are secure, accurate, re-countable, accessible, and provide a voter verifiable paper trail. Therefore, those topics were not covered in the study and are not specifically addressed in the current LWV-VA positions.

In 2013, the LWVFA proposed a concurrence statement of support for vote centers, which was adopted at the LWV-VA convention that year. Technical edits were made to the position at the May 2015 Convention to reflect the establishment of the Department of Elections by the State of Virginia.

At Convention 2019, the LWV-VA passed a resolution to review and update certain aspects of the Election Laws Position, addressing election processes, laws, and regulations that ensure free and fair election results, transparency, security and accountability. The resolution specifically identified post-election audits, security (i.e., cyber-security of election systems and equipment, and physical security of voting equipment and ballots), electronic voting, opposition to the photo identification requirement, ranked choice voting, and voter suppression as the subjects for study. The study, which also updates the League’s position with respect to early voting, was adopted at the Convention in 2021.

### **The League’s Position**

The League of Women Voters of Virginia believes that democratic government depends on the informed and active participation of its citizens; that voting is a right and responsibility; and that election laws, regulations and administrative procedures should be uniformly designed and applied, and adequately funded to facilitate and increase voter participation throughout Virginia (2011) and to prevent voter suppression efforts that disenfranchise individual voters and groups of voters. The League further believes that election laws, regulations, policies and procedures should ensure that elections are protected against threats and that the outcomes are both verifiable and verified, to ensure that Virginia’s citizens can have faith in the security, integrity, and outcomes of elections in the Commonwealth. (2021)

### Voter Registration

Funding the cost of maintaining a statewide system of voter registration and providing equal and easy access for voting throughout Virginia are responsibilities shared by the Commonwealth and local governments. Because the

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system of voter registration affects voter turnout, and because federal and state legislation have extended the availability and ease of voter registration in Virginia:

- Voter registration opportunities must be available, online, by mail and in person, consistently throughout the Commonwealth;
- A uniform system of voter registration is required to facilitate voting and prevent fraud;
- Elections databases must be updated to reach the highest standards for security, usability, reliability, and functionality; and (2021)
- Additional measures should be maintained or adopted to increase the availability of voter registration, including:
  - Reducing the interval between the registration deadline and Election Day to the smallest number of days consistent with effective elections management, and
  - Same-day registration at county and city central election offices. (2011)

In defining domicile and abode to determine residency for purposes of registration, a statewide policy should be applied and enforced to ensure:

- Uniform interpretation
- Broad construction
- Presumption of intent
- Consistent application. (2011)

Voter registration by political party should not be adopted in the Commonwealth. (2011)

### Election Management: Role of the Commonwealth

The Commonwealth should provide additional funding, training, and expertise, where localities lack financial or technical resources to support an accessible and well-managed election system. The League believes the Department of Elections (ELECT) and the State Board of Elections (SBE) must be given adequate authority and resources to:

- Enforce election laws and promulgate and enforce mandatory standards for local election offices; (2015, 2021)
- Establish and maintain best practices in registration and elections management, especially in training election officers and officials; (2015, 2021)
- Use best practices in voter list maintenance to ensure that the list is up-to-date and that legitimately registered voters are not removed from the list; (2021)
- Provide adequate oversight of registration and elections at locality and precinct levels; (2015) • Oversee implementation of election laws, regulations and policies to ensure their consistent and uniform application across the Commonwealth; (2015)
- Develop procedures for post-election risk-limiting audits of hand-marked paper ballots cast during each election, conducted prior to certification of the election; (2021)
- Conduct risk-limiting audits when the election involves more than one jurisdiction; (2021)
- Support the purchase and use of election infrastructure on a state-wide and local level that is able to accommodate alternative electoral systems including Ranked Choice Voting; and (2021)
- Counter disinformation that can be used as a voter suppression tactic. (2021)

### Election Management: Role of the Localities

Election laws must be designed to facilitate voting and encourage participation of a large percentage of citizens in all elections. To this end, laws, policies and procedures affecting the voting process should be applied consistently in all parts of the Commonwealth throughout the early voting period, at the polls on Election Day, and until the last ballot is counted. LWV-VA urges that the Commonwealth and localities work together to ensure sufficient funding, staff, space, security, and access to accommodate all voter participation comfortably. The League supports:

- Legislation to allow all registered voters to vote absentee prior to Election Day without specifying a reason. Both choices—voting in person or by mail—should be offered for the entire early voting period. (This no-excuse absentee voting is sometimes called “early voting.”); (2011, 2021)

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- The use of satellite voting facilities to facilitate voter participation; (2011, 2021)
- The provision by all localities of evening and weekend voting hours as well as suitable weekday hours at central and satellite offices for several weeks before general elections, provided local registrars have flexibility in implementation, including determination of locations and operational hours; (2011, 2021)
- The facilitation of timely transmission of absentee ballots by military and overseas voters but not including electronic transmission of the voted ballot via the internet as of now; (2021)
- A pilot program of all-mail voting to test its use in some elections; (2011)
- For voters with disabilities, use of Ballot Marking Devices that produce ballots nearly identical to hand-marked ballots to avoid vulnerabilities associated with handwriting errors and barcodes; (2021)
- Maintaining optimal standards to protect the equipment used in all phases of the voting process, from computers that hold the database of registered voters to electronic poll books and electronic voting machines; (2021) and
- Adequate voter education and outreach to ensure voters are informed about the voting process and to counter disinformation. (2021)

The following should be required throughout Virginia to ensure an efficient voting process:

- Electronic poll books, with back-up paper copies for emergencies;
- Appropriate precinct sizes and numbers of voting machines to minimize voting delays, such as wait times that can result in voter disenfranchisement; (2021)
- Appropriate and systematic training of personnel and polling place election officers; (2021)
- Polling places selected to maximize voter participation and near public transportation, wherever possible. (2011)
- The use of auditable, recountable, voter-verified paper ballots marked either by hand and scanned or—for voters with disabilities—by a ballot-marking device that produces a paper or card ballot; and (2021)
- Participation in risk-limiting audits. (2021)

The LWV-VA is concerned that Virginia's polling hours might not be optimal for all areas of the Commonwealth, especially those close to adjacent states, and is concerned about the effect of long hours on officers of election. Split shifts and poll closing specialists should be used in all localities to ease the burden on officers of election, help in their recruitment, and ensure well-managed elections.

With regard to voting on Election Day, the League supports:

- The courts' authority to extend the polling hours in case of disasters and other emergencies that prevent the voters from getting to the polls, and include the provisions needed to ensure fair access to the polls throughout the Commonwealth; and (2011)
- Pilot programs authorizing Virginia's local governing bodies to use vote centers in conducting local (not statewide) primary, special, and May elections when warranted and implemented pursuant to regulations and policies established by ELECT and the SBE, especially those requiring a determination that using vote centers will not serve to restrict access to the polls or further decrease voter turnout. If proven efficient and effective, the League would support their authorization for continued use at the option of local governing bodies. (2013, 2015)

LWV-VA supports a statutory requirement that risk-limiting audits of selected cast ballots be randomly conducted in the Commonwealth after each election. Such audits must be conducted in a transparent manner before the election is certified and with the potential to affect the outcome of the election. Each locality must be subject to an audit at least once every five years. If a contest involves more than one jurisdiction, the League urges ELECT to participate in conducting the audit across localities. (2021)

## Election Cybersecurity (2021)

For voters to have the confidence to participate in elections, the laws, policies and procedures must include measures to ensure that the process and the election infrastructure that accesses central registration and election applications are secure and backed up by penalties for failing to take adequate measures. The League supports

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standards and a robust certification process for election systems including:

- Updating certification standards regularly to keep pace with the state of knowledge of the cybersecurity landscape;
- Ensuring localities have sufficient resources, both expertise and financial, to manage updates to voting systems as certification standards evolve;
- Requiring standards for security practices of voting machine vendors, their personnel and consultants/contractors;
- Mandating state certification for all components of election management systems;
- The promulgation of standards for logic and accuracy testing of election equipment, and
- Recommending that the Commonwealth consult with other states and other organizations in sharing best practices about certification regimes. (2021)

To address the security of registration and election software applications and databases, the LWV-VA supports:

- The Commonwealth's provision of sufficient resources for
  - adequately staffing central information technology functions and maintaining infrastructure and applications to the highest level of cyberprotection and
  - supporting localities in securing systems that access central registration and election applications;
- The Commonwealth's participation in national and multistate associations that develop cybersecurity standards, monitor emerging threats to critical infrastructure, and identify protection strategies; and
- The acquisition and maintenance of a voter registration and election management system that meets high standards for security, usability, reliability, and functionality. (2021)

To address the cybersecurity of election equipment, the League supports measures including:

- Supporting the use of ballot marking devices that produce ballots identical to hand-marked ballots to avoid vulnerabilities associated with barcodes;
- Supporting the use of statewide standards for logic and accuracy testing of election equipment;
- Requiring statewide standards for security practices of voting machine vendors, their personnel and consultants/contractors;
- Supporting the replacement of devices well before "end-of-life" (when the technology is no longer supported);
- Recommending that the Commonwealth and localities have sufficient resources to follow best practices for cybersecurity; and
- Requiring the use of paper backups of voter lists (or other contingency plans) in case of electronic pollbook malfunction. (2021)

## Electoral Systems (2021)

LWV-VA recognizes the deficiencies of the current plurality system and supports the introduction of alternative electoral systems such as ranked choice voting:

- Supporting the option for localities to utilize Ranked Choice Voting for local elections, both single- and multi-winner. Localities opting to use RCV should consider the need for voter education in planning for these elections.
- Supporting the expanded use of Ranked Choice Voting in state-run primaries
- Supporting implementation of Ranked Choice Voting that allows for all candidates in a race to be ranked.
- Supporting use of Ranked Choice Voting beyond local elections, after Ranked Choice Voting in local Virginia elections has been shown to meet the criteria listed in the LWVUS Impact on Issues 2020-2022.

## Voter Access (2021)

LWV-VA supports the fundamental right to vote and supports measures that seek to enhance voter access and voter participation. Equally, LWV-VA opposes measures that seek to infringe on this fundamental right or create barriers to voters casting ballots. Voter suppression efforts can include but are not limited to: manipulation of the registration process; policies that make voting difficult, time consuming or dangerous; felon disenfranchisement; and disinformation that confuses voters or discourages them from casting their vote. These examples have changed

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over time and will continue to evolve. Thus, Leagues across the Commonwealth should monitor activities and adapt accordingly.

- The LWV-VA opposes the requirement that a voter present a photo ID at any voting location place in order to be able to vote.
- The LWV-VA supports the review of all election laws and regulations to ensure that measures do not infringe on the right to vote nor unduly burden or restrict the rights of individuals or groups, as was previously required under the Voting Rights Act of 1965.

## FISCAL POLICY

### **Position in Brief:**

Support for a responsible state fiscal policy that includes: a flexible and diverse tax structure that is based on a progressive income tax; continuous evaluation of all programs for need, effectiveness, efficiency, and economy; flexibility in developing local sources of revenue; state commitment to funding of state-mandated programs; and opposition to constitutional or statutory limits on state/local government spending or revenue sources.

### **The League's History**

The first fiscal program item, adopted at the 1949 convention, called for an analysis of Virginia taxes and expenditures. The study was largely informational and resulted in a publication. In 1961, a new fiscal study led to a consensus in favor of income tax withholding. A continuation of this study item in 1963 resulted in additional positions in support of: a statewide minimum assessment ratio for all localities to strengthen the property tax structure; borrowing for long-term capital improvements, and a constitutional change to establish more flexible borrowing limitations.

The 1965 LWV-VA convention voted to conduct more research of the state's fiscal policies by agreeing to a new study about the uniform statewide sales tax. This resulted in a consensus in support of: a local option to levy additional sales taxes; a formula for distributing state revenues, and exemption of food and drugs from sales tax. After being placed on the inactive list in 1966, the LWV-VA convention voted to drop the fiscal item in 1971, except the position in support of exemption of food from sales tax.

In 1975, a study and evaluation of the budget making process and sources of revenue of the state government was adopted. The first year was devoted to an overview of state finances, including revenues, expenditures and the budget process, and a consensus was reached. The second year concentrated on an in-depth study of Virginia's tax structure with a view to proposed changes that would make the system more equitable and revenue producing. These studies resulted in new positions being developed in January of 1977.

At the 1977 LWV-VA convention a two-year study of state/local finances with emphasis on state/local fiscal relations was adopted, which concentrated on understanding the fiscal interrelationship and on state and local tax and spending limitations.

Subsequent League legislative action has concentrated on opposing limitations on taxation and expenditures, support of indexing the income tax, and supporting localities in developing their own sources of revenue.

### **The League's Position**

The League of Women Voters of Virginia advocates tax increases when necessary and believes that any changes in the tax structure should be progressive. The League supports continuing evaluation of all government programs for need and effectiveness as well as for efficient and economical government operation.

#### Tax Structure

The League supports:

- A more progressive state income tax, with an increase in the number of income brackets and a raise in the rates in higher brackets;
- The use of progressive income taxes to meet additional needed revenue, with smaller amounts derived from a tax on soft drinks (crown tax), and an increase in the present taxes on alcoholic beverages and tobacco;
- A systematic review of earmarked funds with less reliance on long term earmarking of funds such as

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- revolving funds, trust funds, bonds, or any sources of revenues designated for specific purposes;
- The designation of highway funds to include all means of transportation and loosely related activities; and
- The use of general obligation bonds as needed to finance capital projects.
- Keeping the corporate income tax structure competitive with neighboring states, and opposing any increase in the sales tax unless food is excluded from the increase.

### Accountability and Responsibility

The League believes that the growth of state/local government spending can be contained through positive rather than restrictive procedures. Therefore, we are opposed to statutory or constitutional limitations on state/local government spending or revenue sources.

We believe that elected officials should be accountable for laws enacted and taxes levied and that elected representatives have a responsibility to continually evaluate all government programs to determine public needs as well as real and long-range costs.

### State/Local Fiscal Relationship

Since localities in Virginia have only the limited fiscal powers delegated to them by the state which uses a strict interpretation of Dillon's Rule, the League advocates the following changes in the state/local fiscal relationship:

- Increased commitment by the state to fund its mandated programs
- The state should set basic standards for providing services to all citizens.
- The need for mandated programs should be continuously evaluated and their true and eventual costs should be considered. There is a great variation in the economic strength of different sections of the state so the state itself must assume a larger share of the financial burden.
- Increased flexibility for local governments to choose the ways in which they raise revenues. Setting of minimum standards by the state should not preclude the setting of higher standards by localities willing to meet additional costs. Localities should have more freedom to decide how to raise the money for these costs.
- Increased standardization of assessment procedures by the state as well as regulation of local tax administration with allowances for local control to respond to local conditions.
- Increased protection of local tax base. Exemptions from the property tax should be kept to a minimum, with service charges being imposed whenever practical. Relief given to special classes of taxpayers should be confined to those truly in need; the decision to offer such relief should be at local discretion.

(1964, 1977 & 1979)

## **REAPPORTIONMENT & REDISTRICTING**

### **Position in Brief:**

Support for a decennial redistricting plan approved by the General Assembly, including establishment of a bipartisan commission to prepare a plan for legislative approval, and consideration of natural geographic boundaries, jurisdictional boundaries, communities of interest, and competitiveness in addition to the constitutional requirements.

### **The League's History**

Reapportionment and redistricting are an integral part of our system of representative government. As a result of the problems encountered in the reapportionment and redistricting process in Virginia in 1981, the League adopted a study at its convention in 1983 on the methods and criteria for redistricting.

Members agreed that a reapportionment commission should be established to prepare a plan for legislative approval because such a commission could be objective, devote its full attention to the task, and expedite the redistricting process. The criterion of competitiveness was added in 2007 after an update to this position was adopted as a two year study at LWV-VA convention in 2005.

### **The League's Position**

The League of Women Voters of Virginia supports the establishment, in law, of a politically balanced and independent Reapportionment Commission for each decennial redistricting to prepare, with the Virginia

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Department of Legislative Services, a plan for submission to the legislature as specified by the Virginia Constitution. The Commission should be bi-partisan and be composed of individuals who are not elected officials; they should represent the geographical distribution and demographic diversity of the state and consist of an uneven number of members.

In addition to the Virginia constitutional requirement of equal population, contiguous and compact districts and the Voting Rights Act requirements for protecting the voting strength of minority groups, the League supports the following considerations in redistricting:

- Natural geographic boundaries;
- Jurisdictional boundaries;
- Communities of interest; and
- Competitiveness

The League believes that the Virginia constitution should be amended to provide that redistricting will occur on a decennial basis only. (1985, 2007)

## TRANSPORTATION

### **Position in Brief:**

Support for regionally balanced transportation systems which efficiently and economically meet regional needs without adversely affecting planned growth or the environment. Regional organizations, that set policy for a multi-modal public transportation program, that plan, coordinate, and are the designated recipients of federal and state funds, that operate or contract for services, and that could have taxing power; a mixture of public and private funding for public transportation; increased local participation with some public funds utilized to encourage private support and the use of innovative financing methods, such as tax incentives, to encourage private sector participation; and the use of a variety of incentives to increase the use of public transportation.

### **The League's History**

In May of 1995, the state convention delegates voted to approve the League of Women Voters of the Richmond Metropolitan Area's request for concurrence by local Leagues with their transportation position. The position was reached after study of mass transit focused on the Richmond Metropolitan Area in 1987.

In August 1995, a copy of the original study, plus material on legislation at the national and state level, that had been enacted since the study, including the 1991 federal transportation law, the Inter-modal Surface Transportation Efficiency Act (ISTEA), was sent to all local Leagues in Virginia. Twelve local Leagues concurred by the end of 1995. *2013 Note:* Task Force recommends including land use concepts such as transit-oriented development (TOD) and other planning practices as they relate to transportation when this position is updated.

### **The League's Position**

The League of Women Voters of Virginia supports regionally balanced transportation systems which efficiently and economically meet regional needs without adversely affecting planned growth of the environment.

The League supports:

- Regional organizations that set policy for a multi-modal public transportation program, that plan, coordinate, and are the designated recipients of federal and state funds, that operate or contract for services, and that could have taxing power.
- A mixture of public (federal, state and local) and private funding for public transportation.
- Increased local participation with some public funds utilized to encourage private support and the use of innovative financing methods, such as tax incentives to encourage private sector participation.
- The use of a variety of incentives to increase the use of public transportation.

(1996)

## WOMEN'S RIGHTS IN VIRGINIA LAW

### Position in Brief:

Support for the legal recognition of marriage as an equal partnership, including policies that recognize non-monetary as well as monetary contributions to a marriage by each partner; surviving spouse policies that specify that if one spouse dies without a will, the surviving spouse should inherit all property; divorce policies that recognize separately acquired property before marriage and during marriage through gifts or inheritance; elimination of the concept of “fault” in the court’s division of marital property; and legal recognition of valid pre-nuptial contracts.

### The League’s History

A study of women's rights and Virginia law, adopted by a large majority at the 1979 convention, through the not-recommended program process, was an outgrowth of interest in the Equal Rights Amendment and legal rights seminars held statewide by local Leagues the preceding year. The 1981 convention expanded the study to include divorce laws in Virginia because at that time, Virginia laws governing women's rights in the event of death of the husband or divorce were disadvantageous to women in the state. This position was moved from the “Social Policy” category when the LWV-VA positions were reviewed and reorganized in the 1999- 200.

2013 Note: Since 1981, many of the League’s recommendations outlined in this position have been accomplished through legislation. In 2012, society’s definition of marriage, divorce and property rights has expanded to encompass the definition of marriage and civil unions between same sex couples, alimony for the partner earning less money (whether male or female), inheritance for children of previous marriages, etc. [both in Virginia and on a federal level]. Notwithstanding Virginia amending its constitution to ban same-sex marriages in the Commonwealth in 2006 and the effort nationally to limit marriage to those between a man and a woman by passing an act called the “Defense of Marriage Act (DOMA),” the League recognizes that the intent of its earlier positions has been accomplished and the item should be expanded to include a review of current trends [or the position should be deleted]. 2015 Note: DOMA was ruled unconstitutional by the U.S. Supreme Court in all States on June 26, 2015, when the U.S. Supreme Court ruled in *Obergefell v. Hodges* that state-level bans on same-sex marriage are unconstitutional.

2019 Note: An Update in the 2017-2019 Biennium additionally studied Sexual harassment. The 2019 Convention added language to update the position and to clearly state “The League of Women Voters of Virginia opposes Sexual Harassment”.

### The League’s Position

The League of Women Voters of Virginia believes that marriage is a partnership, that the principles of fairness, equity, and equality should govern the legal rights and responsibilities of each partner in a marriage. To carry out the concept that marriage should be given legal recognition as an equal partnership, we believe that all contributions to a marriage should be recognized, non-monetary as well as monetary.

Until such time as the principle of equally shared marital property is obtained in Virginia Law, we believe that:

- In case of death, if one spouse dies without a will, the surviving spouse should inherit all the property.
- If a spouse renounces a will, statutes regarding augmented estate should provide for the share of the surviving spouse to be at least one half.

In divorce:

- Marital property should be defined as all real and personal property excluding all real and personal property acquired before marriage, all property acquired during the marriage through inheritance and/or gifts from someone (other than the other party), and property exchanged for separate property if it has been retained as separate property and not commingled.
- Fault should not enter into the court's division of marital property.
- Prenuptial contracts that fulfill all requirements of contract law should be recognized as valid. (1980 & 1983)

Sexual Harassment: The League of Women Voters Opposes Sexual Harassment. (2019)

## **NATURAL RESOURCES**

### **AIR QUALITY**

#### **Position in Brief:**

Support for achieving and maintaining acceptable air quality through: adoption of strict vehicle emission standards, development of alternative fuels, and programs and regulations that foster efficient transportation modes.

#### **The League's History**

Following adoption of this local position in 1992, the League of Women Voters of the Fairfax Area prepared and sent information packages to all the local Leagues in Virginia, to allow for concurrence to be taken at the 1993 State Convention. The delegates concurred with the following position on Air Quality. 2013 Note: The California standards have been superseded by stricter national standards and the Clean Air Act of 1990 has also been superseded by stricter regulations. Most of these recommendations have been accomplished (or exceeded) legislatively in Virginia and in the United States.

#### **The League's Position**

In order to achieve and maintain acceptable air quality the League of Women Voters of Virginia believes Virginia should:

- Adopt the California Standards for low-emission vehicles to achieve and maintain compliance with the Clean Air Act of 1990.
- Develop less polluting alternative fuels, a high priority with preference for compressed natural gas, reformulated gasoline, electricity and hydrogen. The State should consider total environmental impact of a fuel, including tail pipe emissions and pollution produced during manufacture and disposal.
- Change parking subsidies away from those favoring low occupancy vehicles to those favoring efficient transportation modes. Place greater emphasis on local program and regulations that encourage employers to institute transportation management systems which foster efficient transportation modes.

(1993)

### **AIR QUALITY - Smoking in Public (Archived 2013)**

## **EXTRACTIVE INDUSTRIES: HYDRAULIC FRACTURING**

#### **Position in Brief:**

The League of Women Voters of Virginia supports a moratorium on hydraulic fracturing in the Commonwealth of Virginia until there is sufficient evidence from robust studies to show that hydraulic fracturing will not have a negative impact on the health, safety, and well-being of citizens, local jurisdictions, or the natural environment.

Absent a moratorium, the League of Women Voters of Virginia believes that the Commonwealth of Virginia, including all relevant state departments and state agencies, and local governments, have a responsibility to safeguard Virginia's critical features and to ensure the public's safety, health, and welfare by 1) adopting strict systems for monitoring, regulation, and oversight of the hydraulic fracturing, including all related facilities, and fracking impacts on critical features (e.g. ground and surface water resources and recharge areas; geologic resources and seismic zones; historic sites and districts), public facilities (e.g. recreation areas, schools, wildlife preserves), local and regional infrastructure, and local and regional economies; 2) developing and implementing systems of financial assurance so all fracking-related expenses incurred by the Commonwealth and the local jurisdictions are borne by the industry; 3) granting localities authority to regulate hydraulic fracturing operations; 4) providing state funding to local governments to offset the costs incurred by local governments; 5) developing a state-level system for long-term monitoring of local impacts and enforcement of regulation throughout the full life cycle of the hydraulic

fracturing operation; and 6) creating programs and policies designed to help local jurisdictions address the long-term economic and social impacts of hydraulic fracturing and its expected “boom and bust” cycles.

### **The League's History**

Neither the LWVUS nor the LWV-VA currently had a specific position on fracking. Both used their existing positions on natural resources. The study committee determined that these were insufficient given the variety of geologic regions found within Virginia and the greatly expanded potential complications created by horizontal drilling. Also, the study found that there were statements within the existing positions that could work counter to any efforts to control the impact of hydraulic fracturing in that the use of natural gas was encouraged as a way in which to address air quality concerns.

### **League of Women Voters of Virginia**

In May of 2013, the League of Women Voters of Virginia was asked to sign on to the LWVPA Comments on the EPA Fracking Study. It was found that the Technical Round Tables done by the EPA focused on Marcellus Shale but, did not cover the impact of fracking on downstream locations. The recommendation to the LWV-VA President was that LWV-VA sign on to the comments in an effort to help improve the understanding of and the regulation of fracking operations. The Board did submit a letter of support.

The LWV of Virginia membership voted during their 2015 Convention to study the Impacts of Fracking in Virginia

**Reason for Study of Fracking:** The current LWV-VA natural resource positions do not address recent developments in Virginia of hydraulic fracturing (“fracking”) and energy pipelines. Fracking affects health as well as natural resources. Fracking and pipeline effects go beyond the current LWV-VA positions. The effects should be included in Virginia positions and in the background/history.

The scope of the study may include: Impacts of water withdrawal on ground water and surface water supplies; impacts of inadequate treatment of wastewater from fracking on drinking water; health, safety and ecological effects of natural gas pipeline and/or rail transport of shale oil through Virginia.

The concluding thoughts of the committee responsible for the hydraulic fracturing study were:

“Hydraulic fracturing is a moving target. Every day, new legislation, lawsuits, and technologies are created. Every geology [and geologic formation] and well requires a different extraction method. Every piece of data has advocates and opponents. Industry, government, and citizens struggle to find a balance that will provide low-cost, environmentally clean energy in quantities that will support our current lifestyles and future energy requirements. The public's right to know, protection and management of natural resources, social and economic justice, and health and safety are all issues to be considered when examining hydraulic fracturing.”

### **League of Women Voters of United States**

In 2010 Delegates at the 2010 Convention of the LWVUS shared information about fracking. It was noted that State Leagues were using existing LWVUS positions on natural resources, particularly clean water and drinking water to reduce the environmental impact of mining processes that contaminate and pollute.

In 2012, the LWVUS responded to the EPA (Environmental Protection Agency), the BLM (Bureau of Land Management) and the FERC (Federal Energy Regulatory Commission) through testimony and letters.

In 2015, the LWVUS supported a set of five bills referenced to as the “Frack Pack”

### **The League's Position:**

The League of Women Voters of Virginia supports a moratorium on hydraulic fracturing in the Commonwealth of Virginia until there is sufficient evidence from robust studies to show that hydraulic fracturing will not have a

negative impact on the health, safety, and well-being of citizens, local jurisdictions, or the natural environment.

The Commonwealth of Virginia should prohibit fracking in state parks, state forests, and areas of state-recognized historic significance. The Commonwealth of Virginia should also ensure that localities are free to exempt waterways, areas near waterways, and other sensitive areas such as schools, residential areas, parks, and places of historic significance from fracking operations. For those areas where hydraulic fracturing might occur, the Commonwealth and local jurisdictions should develop and implement a system for the monitoring, regulation, and oversight of the hydraulic fracturing industry, including all related facilities and the impact on the critical features (ground and surface water resources, public and private drinking water recharge areas, historic sites, and public facilities), public parks, recreation areas; and wildlife reserves, geologic formations, local and regional infrastructure, and local and regional economies. Systems of financial assurance should be developed and implemented so all fracking-related expenses incurred by the Commonwealth and the local jurisdictions are borne by the industry.

1. The League of Women Voters of Virginia (LWV-VA) believes the Commonwealth of Virginia and the Department of Mines, Minerals, and Energy and other applicable state agencies must adopt strict review processes and permitting standards for hydraulic fracturing in all areas of Virginia. The minimum review and permitting requirements for the hydraulic fracturing process, should include, but are not limited to, the following:

- a. Environmental impact statements for each well pad and specific drill site;
- b. Geologic impact statement;
- c. Infrastructure impact statement;
- d. Economic impact statement, and a detailed cost/benefit analysis;
- e. Baseline data for water and air quality;
- f. A plan and methodology for periodic monitoring of water and air quality;
- g. A detailed hazard mitigation plan and an emergency response plan;
- h. Full disclosure of chemicals and the processes to be used, including any changes in these in perpetuity;
- i. Sources of water, sand, and other resources used during the hydraulic fracturing process, including letters of approval from affected jurisdictions, including any changes in these in perpetuity;
- j. A detailed plan for the disposition of waste water and other "after" products, renewed annually, along with letters from impacted jurisdictions where the waste water and "after" products will be disposed, including any changes in these in perpetuity;
- k. GIS maps and full GIS data that show the precise location of the proposed well pad, specific drill sites, and the location, depth, and extent of all horizontal wells, including any changes in these in perpetuity;
- l. List of all property owners directly or indirectly (adjacent or abutting owners) impacted by the well pad, drilling sites, and horizontal wells, along with letters of approval from property owners directly impacted by the hydraulic fracturing facilities.

2. All costs of hydraulic fracturing, both direct and indirect, should be borne by the corporations, companies, and individuals who benefit from hydraulic fracturing. The State and all local jurisdictions in Virginia, regardless of population or rate of growth, should be allowed to impose, but are not limited to, taxes, impact fees, performance bonds, other applicable bonds (sufficient blanket bonds, surety bonds, per-well bonds, etc.), and other financial tools to insure that the costs of siting, testing construction, operation, environmental restoration, and "in perpetuity monitoring and impact mitigation" are covered by the individuals and company or companies involved in the hydraulic fracturing operations. The financial obligations go with the operation (attached to the property), regardless of transfer of ownership of the site. In addition, financial assurance mechanisms should include growth mechanisms (i.e. annual payments adjusted to the rate of inflation or the consumer price index) in order to assure adequate financial coverage for future mitigation. All funds generated through taxes, fees, and bonds and paid directly to the State and local jurisdictions should be sufficient to cover the costs of site restoration and hazard mitigation, should be held in a dedicated fund, and should not devolve to the general fund for the Commonwealth or locale.

3. The most effective method for control and oversight of hydraulic fracturing is through the regulatory authority of the local jurisdictions, including through comprehensive plans, zoning, and other land use ordinances; and construction, operational, and post-operation inspections. Planning and zoning tools include, but are not limited to:

- a. Special use/conditional use permits;
- b. Land disturbance permits; performance standards;

- c. Strict setback and buffer requirements not subject to variances from ground and surface water resources, public and private drinking water sources, historic sites and viewsheds, public facilities, and residences;
- d. Nuisance provisions (light, sound, traffic, hours of operation); and
- e. Other applicable local codes and standards.

When a hydraulic fracturing operation is proposed within a specific jurisdiction, the State and the Department of Mines, Minerals and Energy should provide all relevant studies to local jurisdictions, including all impact statements, mitigation documents, economic and health related information, including applicable GIS data.

In addition, local jurisdictions, which provide most of the "on the ground" oversight of fracking operations, should be allowed to offset local and operational costs, including post-production monitoring and reclamation costs. Financial assurance mechanisms include but are not limited to: local taxes; application, inspection, and impact fees; performance bonds; and proffers.

Because hydraulic fracturing is occurring primarily in lower population jurisdictions that do not always have access to the full range of planning and zoning tools in the toolbox, the Code of Virginia should be updated to provide uniform access across jurisdictions, rather than limiting access based on location, population size, or rate of growth.

4. Given that local governments rarely have the financial resources to cover the expenses incurred from the long-term impacts of hydraulic fracturing and long-term monitoring of post-production and reclaimed well sites, LWV-VA believes that the State should partner with and provide funding to local governments to cover the expenses incurred by local jurisdictions. Possible funding mechanisms include, but are not limited to:

- a. Impact fees
- b. Performance bonds
- c. Permitting fees
- d. Land disturbance permit fees

5. LWV-VA believes that the State and the Department of Mines, Minerals, and Energy should monitor and enforce regulation of the effects of the hydraulic fracturing processes from permitting through post-reclamation monitoring using the following sources of information:

- a. Water sampling;
- b. Water level monitoring;
- c. Surface and ground water quality monitoring both on site and within a proscribed buffer surrounding the site;
- d. Seismic monitoring;
- e. Well integrity monitoring both during hydraulic fracturing operations and after well closure, including for abandoned and inactive wells;
- f. Air quality monitoring;
- g. NORM (Naturally Occurring Radioactive Materials) levels;
- h. Compliance with wastewater recycling/disposal plan
- i. Periodic inspection and maintenance reports;
- j. Tests determined as appropriate by future scientific analysis;
- k. Infrastructure and community impact reports

6. Hydraulic fracturing operations, and other extraction industries, run the risk of creating "boom and bust" cycles in local economies and communities, creating potential social and economic damage. LWV-VA believes that the impact on the long-term health of communities can be minimized by implementing a range of proactive programs, developed in partnership between the local jurisdictions, regional planning district commissions, and the Commonwealth of Virginia, including, but not limited to:

- a. The creation of dedicated accounts, funded in part by state monies, as well as local extraction fees, taxes and other applicable fees, that help local jurisdictions plan for both potential industrial growth and eventual decline ("boom and bust" cycle);
- b. Development of local economic development programs to prepare jurisdictions for a future after the wells shut down;
- c. Provision of information on the life expectancy of the wells to local jurisdictions. (2017)

## LAND USE

### **Position in Brief:**

Support state policies that include creating state long- range comprehensive land use plan coordinated with local and regional plans, protecting of critical environmental areas through some land use controls, and assisting to and increasing flexibility for localities in land use planning and control.

### **The League's History**

In 1972, in response to a growing desire on the part of Leagues for a national focus on land, LWVUS convention delegates adopted land use as a new study. During the last year of the two-year study, the national League gave state Leagues the opportunity to add state land use study to their program agenda without going through the convention adoption method. Local Leagues used consensus questions formulated by the national board to reach consensus on state land use, some at the same meetings where they reached consensus on national land use, others had additional meetings to reach state consensus or mailed questionnaires to their members.

Action has focused on coastal resource preservation and planning, preservation of prime agricultural land and strip mining legislation. *2013 Note:* Again, many of the recommendations of this position have been accomplished through legislation, nationally and in Virginia. Also, today's land use processes have become a function of government comprehensive planning. Thus, this position would be more appropriate in the Government positions' category with cross-reference to the Natural Resources' positions category.

### **The League's Position**

The League of Women Voters of Virginia believes that the Commonwealth should have a long range comprehensive plan reflecting the needs and interests of citizens and flexible enough to meet future needs. The plan should be a coordinated one including plans and policies of local, regional and state governments. Implementation should maximize local decision- making with some provisions subject to state established standards and review.

### **State Control of Land Use:**

We believe that the state should reassume certain elements of its legal authority to control the use of land. Stronger state control, with impact statements required as deemed necessary, is needed for land use activities of more than local impact (including the siting of energy facilities, large-scale public or private development, major transportation facilities, and waste disposal facilities).

Increased state control is needed for certain land areas of statewide concern such as:

- Wetlands
- Crucial watersheds
- Flood plains
- Productive agricultural and forest lands
- Unique scenic and historic areas
- Shorelines of major waters and
- Unique wildlife habitats

### **Regional Planning**

The League believes that the state should support increased regional planning on matters of regional concern.

### **State Assistance to Localities**

The League believes that the state should give assistance to localities for land use planning and control by:

- Increasing financial aid for research and technical assistance;
- Collecting, analyzing and disseminating economic, environmental and social data;
- Authorizing and encouraging innovative land use planning and regulatory techniques such as land banking, planned unit development, transfer of development rights, and timed development ordinances.

(1975)

## WATER SUPPLY AND DISTRIBUTION

### **Position in Brief:**

Support for a comprehensive state effort to protect the water supplies, including: recognition of the connection between ground and surface water; decision-making based on the concept of sharing in the use of ground water; state responsibility for the collection of information on water resources and planning for future use. Land use policies that guarantee protection of water resources; and a moratorium on uranium mining until modern, enforceable and effective best practices are approved by an independent assessment team. (1983, 2014)

### **The League's History**

In 1981, the League adopted a study of water supply and distribution in Virginia. Leagues were concerned about the ability of the state laws, regulations, and procedures to protect the water supply. There were also problems and conflicts between "water rich" and "water poor" users and concerns about whether Virginia had sufficient information and adequate laws and procedures to settle these issues.

Local Leagues studied the situation in their localities and then statewide. At the end of the study, the state

League published a prize-winning publication explaining in clear layman's language the doctrines governing Virginia's water laws and the complexities involved in finding solutions to the problems of supply and distribution. Consensus was reached in November 1983.

In April 2014, delegates to the Council approved through concurrence a policy on uranium mining.

### **The League's Position**

The League of Women Voters of Virginia believes that modifications should be made to Virginia's water laws, based on the riparian doctrine and the Ground Water Act of 1973.

Specifically, we believe that:

- The law should recognize the connection between ground and surface water;
- Decisions about reasonable use of ground water should include the concept of sharing, as in the riparian doctrine;
- Exemptions in the Ground Water Act of 1973 should be tightened; and
- If the resolution of conflicts is in the Courts, expert technical advice should be provided.

The League believes that the state must fulfill its responsibility for gathering information about Virginia's water resources, planning for future supply, and giving assistance to localities about their water supplies; and that:

- The designated agency must be strengthened and adequately funded;
- The state should have a strong land use policy that recognizes that water and land-use planning are indivisible; and
- The state should take the lead, both by education and by legislation, in promoting water conservation. (1983)

The League supports the moratorium on uranium mining. The Commonwealth must establish modern, enforceable, and proven effective best practices to protect the health and safety of workers, the public, and the environment before uranium mining, processing, and reclamation occurs. The Commonwealth must ensure that tangible economic benefits exists even if industry can develop modern best practices specific to the unique environment of Virginia. Further, if the Commonwealth adopts best practices approved by an independent assessment team such as the National Academy of Science (NAS) or other independent scientific organization, it must also provide the staff and funds needed by the Department of Mines, Minerals, and Energy, the Department of Environmental Quality, the Virginia Department of Health, and other state agencies to thoroughly monitor and regulate uranium mining.

According to the December 2012 NAS report "the waste from mining and milling if not adequately controlled

may contaminate the local environment by seeping into water sources.” Some high population centers would most likely be affected if contaminants were inadequately isolated. Further, because Virginia is at risk of hurricanes and intense rainfall, concern exists about the effectiveness of the uranium tailings repositories to prevent surface and groundwater contamination. Tourism and agriculture, important economic drivers for the Commonwealth, depend on clean water which could be compromised by uranium mining. (2014)

## **SOCIAL POLICY**

### **ADULT DOMESTIC VIOLENCE**

#### **Position in Brief:**

Address the crime of adult domestic violence through uniform law enforcement, including mandatory arrest and reporting; educational and training programs for medical, clerical, law enforcement personnel, and the public on the problem of adult domestic violence as well as conflict resolution; and assistance and training programs for victims.

#### **The League's History**

Because League positions did not address legislation that might evolve from the Governor's Task Force on Adult Domestic Violence, the state Convention adopted a one-year study on adult domestic violence in 1991. The scope, which included the elderly and adult children living at home, uniform law enforcement, intervention before and after violence occurs, education of all persons involved in domestic violence, including victims, abusers, law enforcement personnel, court personnel, and the community in general. Local Leagues used a questionnaire to determine local and state roles in policy and procedure by interviewing shelter and service personnel who deal with adult domestic violence.

#### **The League's Position**

The League of Women Voters of Virginia believes that Adult Domestic Violence should be addressed as a crime by state and local law enforcement agencies and the judiciary with an increase in state funding for support services.

The League supports:

- A written, mandatory arrest policy as a uniform procedure used by law enforcement agencies, with reporting of adult domestic violence calls; mandatory.
- Training related to domestic violence and conflict resolution curriculum for all sectors of government involved with treatment;
- Expansion of the Family Life Education curriculum to include topics about domestic violence and conflict resolution;
- Expansion of the current Police Academy curriculum to better address the problems of adult domestic violence;
- Public education through use of public service announcements;
- Funding for job training programs for victims;
- Training for doctors and clergy in causes and issues of adult domestic violence; and
- Monitoring at local government level policies regarding shelter maintenance and services. (1992)

### **ADULT JUSTICE**

#### **Position in Brief:**

Support for an adequately funded judicial and corrections system that serves all people without discrimination and incorporates restorative justice practices; provides judicial selection by the General Assembly with the use of a nominating commission of lay persons and lawyers; sentencing by judges; an effectively administered

corrections system that protects society and rehabilitates offenders; professionally administered local jails and community-based corrections; and policies that include alternatives to incarceration and use of community volunteers.

### **The League's History**

In 1971, we adopted "Study and Evaluation of the System of Justice in Virginia," a study which led to consensus on court reform. In 1972, the study was of judicial selection and jury sentencing in Virginia. In 1973, reorganization and consolidation of the Courts of Record passed the General Assembly, and a unified district court system with full time judges was phased in; justices of the peace became salaried magistrates. (At the 1978 state convention, when these changes were nearly all in place, it was decided to drop those portions of the consensus that had been accomplished. The rest remain as part of the justice position.)

The 1974 scope read, "To study the Virginia state correction system, including all facilities, practices, standards, programs, philosophy, financing, and related programs." In that year the Department of Corrections was separated from the Division of Welfare and Institutions, becoming an independent department answerable to the Secretary of Public Safety instead of the Secretary of Human Resources. The second part of the study concerned local jails and community-based corrections facilities and diversion from the state system, with consensus following.

Through the years the League has supported a commitment to community needs and worked for adequate funding and improvement of the state correctional system. In 1984, the General Assembly passed legislation setting up an Intermediate Court of Appeals. At the 2013 LWV-VA convention, the delegates approved the integration of restorative justice practices into the adult justice position.

### **The League's Position**

The League of Women Voters of Virginia believes that the system of justice within the Commonwealth should be conducted in a just and dignified manner, incorporate effective restorative justice practices, and minister to all people without legal, economic or administration discrimination. It requires efficient administration, competent personnel who are given a clear assignment of responsibility and compensation reflecting their training and responsibilities, adequate financing and facilities, and coordination among levels of government and components of the justice system; and the active and informed participation of citizens.

#### Courts

The League believes that transparency within our court system fosters the active and informed participation of citizens who should be served without discrimination. We support mandatory training programs and minimum qualification requirements for state magistrates. All courts in the Commonwealth should have sufficient personnel to provide efficient disposition of cases. (2013)

#### Judicial Selection

The League believes that to maintain the objectivity and independence of the judiciary, the judicial selection and reappointment process should:

- Include opportunities for participation by laymen as well as lawyers;
- Consider the review of qualifications and endorsements from State and Local Bar Associations;
- Minimize politically partisan decision-making;
- Provide broad geographical representation for Statewide appointments;
- Reflect the ethnic, cultural, and gender diversity of the citizenry; and
- Provide timely and thorough information to the public.

We support the present system of election and re- election of judges by the General Assembly with a nominating commission to present a slate of names for each judicial office. (2013)

#### Sentencing

The League believes that judges, rather than juries, should have the power of sentencing. Judges should have discretion in choosing punishment appropriate for the crime. LWV-VA recognizes the importance of keeping citizens safe but urges discretion in legislating more mandatory minimum sentences. Mandatory minimum

sentences usually lead to longer periods of incarceration which can have negative economic effects on state budgets and negative societal effects on the families of incarcerated individuals. LWV-VA supports alternatives to prison for non-violent crimes. A pre-sentencing report, including a victim impact statement and the opportunity for presentation of testimony and argument should be available to the judge or jury charged with sentencing. Restorative justice practices should also be available to the court prior to sentencing. (2013)

#### Corrections

The League believes that the goals of Virginia's corrections system should be to protect society and to punish and rehabilitate offenders.

To achieve these goals, the League believes that an effective correctional system requires adequate financing; effective administration, planning and coordination among related agencies; an adequate number of trained, fairly-paid and competent staff to provide the appropriate programs, services and safety for the community, prison personnel and inmates; humane, non-discriminatory, dignified treatment of inmates and personnel; and the participation of citizen volunteers in its programs.

The League believes that corrections systems at all levels in the Commonwealth – state, regional and local – should include deterrence, re-entry, restitution, and diversion, programs, including community-based alternative and probation programs;

- reflect and implement restorative justice principles and practices;
- use a classification system to place the offender in the most effective treatment programs at the proper level of security;
- provide appropriate alternatives to incarceration, both before and after the trial, for the accused and convicted offender—especially for first-time offenders, misdemeanants, and those charged with offenses classified as victimless crimes;
- use all available community resources in the rehabilitation and treatment of inmates, including pre-trial, alternative, and work release programs; and
- provide the number and types of effective vocational, educational, counseling, mental health, and rehabilitative programs to meet the needs of the inmates. Programs should periodically be evaluated for effectiveness.

The League believes that the Commonwealth should meet all national standards and maintain and enforce regulations establishing minimum standards for facilities, inmate care, personnel, training, operations and programs for corrections systems at all levels and ensure full funding to meet these standards, paying all state costs and allowing localities to supplement with local monies.

The League believes that the Commonwealth and local communities should educate the public to the merits and needs of alternatives to incarceration, the financing and other needs of local jails, and the use of trained community volunteers. (2013)

## **AFFORDABLE HOUSING**

#### **Position in Brief:**

The League of Women Voters supports state funding mechanisms and laws/policies that increase the supply of and equal access to safe, quality, affordable housing for all Virginians. (2021)

#### **LWV-VA History**

The LWV-VA has not adopted a specific LWV-VA position on affordable housing. The LWV-VA has however adopted a position on housing that is included in Social Policy/Behavioral Health (*LWV-VA Positions for Actions, 2018, p. 28*):

“C) Housing

The League recognizes the need for affordable and permanent supportive community-based housing and residential services. These services would enable Virginians with a wide range of behavioral health needs to live as independently as possible in their home communities. Some required initiatives are:

- Enhanced funds for the Virginia Housing Trust Fund.
- Private/public partnerships to obtain housing for the mentally ill.
- Consider a waiver for Medicaid to pay for counseling for housing options.
- Establish tax credits or other financial incentives for landlords and developers who build affordable housing, and local government policies that increase affordable housing stock.

#### **LWVUS Position:**

The LWVUS supports equal access to education, employment, and housing. (*Impact on Issues: A Guide to Public Policy Positions, 2018-2020*, p. 14). LWV-US has a formal position on equal opportunity for housing (*Impact on Issues*, p. 115), has supported fair housing laws (*Impact on Issues*, p. 117), and lists housing, or shelter, as one of the basic human needs (*Impact on Issues*, p. 136). The LWVUS has supported every major piece of federal housing legislation including the 1974 Housing and Community Development Act, the 1987 Housing and Community Development Act and the 2002 National Housing Trust Fund (*Impact on Issues*, p. 139). The LWVUS also specifies that the federal government has the primary responsibility for financing programs designed to help meet the basic needs of individuals and families and that the states' role is to supplement what the federal government is doing (*Impact on Issues*, p. 136-37).

#### **The League's History**

At the May 17-19, 2019 Convention, delegates adopted the recommended study to Review a State-Wide Affordable Housing Position:

“The Study would focus its efforts on affordable housing for people at very low income (VLI) or 50% of Area Median Income and below and would mainly focus on rental housing (State maximum income for 50% AM is \$29,650 for a household of one and \$42, 350 for a household of four.

Specific housing issues that the study could examine and make advocacy recommendations about would include the following:

- 1) Increasing the supply and preserving existing VLI housing through increases in the State's Housing Trust Fund (DHCD), funding for additional Permanent Supportive Housing for persons with serious mental illness (DBHDS) and potential changes to proffers and affordable dwelling unit laws.
- 2) Researching the possibility of creating a State Low Income Housing Tax Credit program that would mirror the Federal LHITC program and targeting households with VLI.
- 3) Removing barriers to siting affordable housing through law changes such as inclusionary zoning.
- 4) Reviewing landlord/tenant law changes that mainly protect landlords resulting in extremely high eviction rates.
- 5) Fair Housing law changes, such as source of income that would enable tenants with vouchers to rent in any neighborhood.”

All 14 local leagues reviewed the report and/or held meetings to study the report summary through presentations, and for the most part, reached consensus on all study questions.

#### **The League's Position:**

The LWV-VA supports funding mechanisms that increase the supply of and equal access to affordable housing and help people maintain their housing. These include but are not limited to:

1. The Virginia Housing Trust Program, administered by the Virginia Department of Housing and Community Development (DHCD), which provides low or no interest loans to develop and preserve affordable housing and provides grants to reduce and prevent homelessness.
2. Permanent Supportive Housing, administered by the Virginia Department of Behavioral Health and Developmental services, which provides rental assistance and support services to individuals with serious

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mental illness who are either chronically homeless, discharged from state hospitals or unstably housed and frequent users of health and criminal justice systems.

3. Homeless programs and services through DHCD that are targeted at reducing and preventing homelessness and getting people into permanent housing as quickly as possible.
4. Eviction Prevention/Diversion Programs through DHCD that would provide short-term rental assistance and housing stabilization services for households who are behind on their rent and in danger of being evicted.
5. A State Low Income Housing Tax Credit (LIHTC) program as a companion to the federal LIHTC program, which has been the primary federal funding source for the development and preservation of affordable rental housing. Investors in developments receive tax credits that provide developers equity in a project. A companion state LIHTC would add additional equity to the project and could potentially target households at very low incomes.
6. A State-funded Housing Choice Voucher (HCV) to supplement the underfunded and oversubscribed federal HCV program, where the low-income household pays 30% of its income for rent, and the remainder is paid by the voucher.

The LWV-VA also supports laws and regulations/policies that ensure equal access to affordable housing, remove barriers to the creation of affordable housing, and help people stay in their housing. Examples include but are not limited to:

1. Ensuring tenants who hold a Housing Choice Voucher equal access to an apartment where they choose to live by requiring landlords who own four or more units to accept voucher-holders if they meet the same rental criteria as other prospective tenants, provided their tenancy is approved in 15 days.
2. Through state enabling legislation, allowing all localities in Virginia the right to adopt mandatory inclusionary zoning ordinances that provide incentives to developers to add affordable housing units in their multi-family projects.
3. Providing more tenant protections in state law to help tenants maintain their housing that include measures such as capping late fees and extending pay or quit time periods.
4. Mitigating the impact of evictions with state laws allowing an automatic expungement of an eviction from a record if the case is dismissed and setting a reasonable timeframe for expunging a record in all evictions.

## CHILD CARE

### **Position in Brief:**

Support for state policies that promote quality child care that is affordable, accessible, and available, including minimum comprehensive state license standards for care facilities, incentives for development of programs, financial assistance for low income families, coordinated resource and referral systems, and training for care givers and parents.

### **The League's History**

With the increase in the number of employed mothers and single parent families and the reported difficulties parents have in finding good, available and affordable child care, many Leaguers thought the time had come for the League of Women Voters to study what role, if any, the state should have in child care. At the 1985 state convention, delegates adopted a two-year study of the issue. The final report along with consensus questions was sent to the local Leagues early in the fall of 1986. Consensus reports were returned by mid-December of 1986 with 17 of 19 local Leagues reporting. The board developed and approved complete consensus in February 1987 with modifications for clarity approved the following April.

### **The League's Position**

The League of Women Voters of Virginia strongly believes that the state has a role to play in child care in the Commonwealth to ensure that children in these services receive the quality of care consistent with their developmental needs. The state's role should include licensing all of the following care facilities:

- Child care homes for more than five, and up to ten children;
- Child care centers of ten or more children;
- Family child care systems;
- Church-sponsored child care;
- Facilities run by hospitals for their own employees;

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- Facilities run by universities/colleges for staff and students;
- Facilities run by governmental units;
- Drop in centers;
- Before and after school programs; and
- Nursery schools (no more than four hours per day per child).

The state should have a role in monitoring an up-to- date listing of child care facilities.

The following minimum standards should be required for licensing and should cover:

- Space and physical facilities, including equipment;
- Health and sanitation;
- Staff/child ratios;
- Qualifications of staff (training, experience, absence of criminal record);
- Admissions policy (health and immunization records);
- Identifier and locator information; and
- Written statements to parents (on operations policies and procedures).

Minimum standards should be required for licensing for group size in:

- Centers of ten or more children;
- Family child care systems; and
- Nursery schools.

The state should provide:

- Some form of financial assistance to increase the affordability and availability of child care. Such assistance could include direct subsidies to low income parents; direct subsidies to providers to allow enrollment of low income families; start up or improvement loans to providers; tax relief to parents; incentives to employers offering child care benefits to employees; and matching local funds for those jurisdictions which help fund child care;
- Free training to care givers and other staff to improve the quality of child care;
- Education to parents about quality child care, and
- Assistance to child care facilities in dealing with liability insurance.

The General Assembly should authorize local school boards and governments to provide before- and after- school child care for school-aged children. We support central coordination of child care policies in an existing agency of the state government which is adequately funded and staffed. (1988)

Further, the state shall ensure that all professionals involved in providing full-time or part-time child care for pay on a regular basis or persons associated with or employed by and private (profit or non-profit) or public organization responsible for the care, custody, or control of children report child abuse or neglect. (2013)

## CHILDREN AT RISK

### **Position in Brief:**

Support for state and local policies that recognize the basic needs of all children, including shelter, family/community support, health care, food, education, and personal safety, including funding of preventive services, rehabilitative programs, family support programs, crises services, court costs and detention; evaluation of programs and services; state mandated case planning and management systems; and internal and judicial grievance procedures.

### **The League's History**

As stated by Virginia Governor Gerald L. Baliles, at-risk children are often conceived in poverty and are delivered into a world of hunger, inadequate health care, poor housing, and even homelessness. As these children struggle through adolescence, they begin to feel alienated from their communities. Many become

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underachievers in school, substance abusers, teen parents, and delinquents. As at-risk youth grow into adulthood, they may pose political, economic, and social threats to society.

The 1987 LWV-VA convention delegates adopted this issue for a two-year study. The committee began their work with three regional workshops in the fall. Local Leagues interviewed caregivers of the children at risk. The reports from the local Leagues, together with information gathered from state agencies, congress and other states, provided the background information used. A 1988 fall workshop and leaders guide were provided for our local League leaders in early October to prepare them for their consensus meetings. The board adopted the following position in February 1989.

### **The League's Position**

The League of Women Voters of Virginia believes that the state government shares with other levels of government the responsibility to meet the basic needs of at-risk children. The state government should establish a policy defining and supporting a minimum quality of life, with the legislators defining standards to meet the basic needs of these children.

We believe the basic needs to be: shelter, family/community support, health care (including mental health care), food, education (including vocational training) and physical safety.

The League supports:

- Funding priorities in the following order of importance: preventive services (including rehabilitative programs), family support services, crises services, court costs and detention (secure and other);
- Evaluation of services and program effectiveness, determination of overlapping services, gaps in services, or unmet needs of children by citizens committees/task forces;
- A state mandate directing communities to develop case planning and case management systems to assure timely access to services. The case management process should include representatives of local and state agencies, guardian/ parent, court intake officers, court child advocates, and the non-profit sector; and
- The continued use of internal grievance procedures for persons who feel mistreated by agency decisions or judicial remedies. (1989)

Further, the state shall ensure that all professionals involved in providing full-time or part-time child care for pay on a regular basis or persons associated with or employed by and private (profit or non-profit) or public organization responsible for the care, custody, or control of children report child abuse or neglect. (2013)

## **EDUCATION**

### **Position in Brief:**

Support for state funding for public schools that insures a high-quality education with equal educational opportunities for all children, including:

- Full funding for the Standards of Quality and state mandates
- Increasing the state's share of education costs;
- Funding for half-day pre-kindergarten programs for at-risk children, and full-day kindergarten programs;
- Funding some portion of capital costs; and
- Improving the funding formula for determining local ability to pay, using it as a basis for distribution of state education funds.

Support a challenging curriculum, high expectations of students and teachers in mastering that curriculum, and appropriate assessments of student achievement for a quality education in the public school system K-12.

Essential curriculum elements include:

- Core disciplines (English, Math, Science, History and Social Studies);
- Art, Music, Physical Education, Health, and Foreign Languages;

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- Analytical skills;
- Integrated technology; strong remedial programs;
- Programs for at-risk, gifted and special needs students;
- Education for students with limited English proficiency, in which emphasis is placed on teaching English; and
- Career and technical education.

Support professional education for principals and teachers and on-going staff development; class size appropriate to instructional goals; a safe environment for students and staff; and discipline, preventative programs and a consistently enforced, well-defined system of rules; guidance counseling for academics and support services; and parental and community support and involvement. Support opportunities to select a specific program or school. These opportunities should be based on a system of equity so that all qualified students have equal access.

Elements of a quality education also include: school- based teamwork, goal setting and decision-making, and application of learning to life experiences.

The League of Women Voters believes that K-12 public schools should prevail as the highest priority for school choice in Virginia because public schools

- Sustain democracy by being open to all children,
- Serve the public and prepare citizens to maintain our government,
- Allow the public to vote on school governance and school policy, and
- Allow the exchange of ideas and participation in decision-making.

To support this priority the LWV-VA believes that all K-12 school programs that receive public funds should be required to meet certain standards and criteria for their approval, administration, accountability, oversight, transparency, nondiscrimination, assessment, fiscal management, and operations.

- LWV-VA believes that no public funds should go to sectarian schools.
- LWV-VA supports the option of public charter schools that follow the extensive regulations in the 2018 Virginia Code for their establishment and administration.
- LWV-VA opposes “tuition tax credit” programs that provide scholarships to private schools (EISTC).
- LWV-VA opposes “vouchers” (“Parental Choice Education Savings Accounts”)
- LWV-VA supports virtual online programs provided by public schools that follow the 2018 regulations and requirements for oversight by the Department of Education and local public-school administrators.
- LWV-VA opposes private profit-making providers of virtual online programs.

## **The League’s History**

According to the 1970 Virginia Constitution, the state must provide quality public school (K-12) education, set Standards of Quality (SOQ), and share the cost with the local governments. As local Leagues studied their own school systems, they questioned whether the formulas to distribute the state monies were fair. In 1979, a state study of financing education in Virginia was adopted. The 1991 Convention adopted a new statewide study on Financing Public Education.

The 1997 Convention approved a study “of the essentials of quality education, including alternatives, initiatives, vouchers, charters, contracts, etc., in the public schools.” The study coincided with new state legislative and administrative initiatives to improve the quality of public schools in Virginia.

In the 1999-2001 biennium, the LWV-VA Board recommended a review of current state positions. The following position was derived from combining Financing Public Education and the Education positions.

At the recommendation of the LWV-VA Board, Delegates to the 2018 LWV-VA Council approved an update that added Section III to the Education position.

## **The League’s Position**

The League of Women Voters of Virginia believes that state funding for elementary and secondary public

## **PART I: Funding**

In order to accomplish this goal, the League supports the following:

### Funding for Standards of Quality (SOQ)

- Funding the SOQ by including all actual costs to localities;
- Establishing the SOQ to exceed the average level of practices in school divisions when evidence exists that the average level is inadequate; and
- Adopting a per-pupil cost figure which represents actual costs per pupil for school systems in Virginia.

### Local Effort

- Improving the formula for determining the measure of local ability to pay and using it in the distribution of all state school funds;
- Increasing the state's share of the costs of education;
- Providing state funds to local school divisions for capital outlay, using an improved measure of local ability to pay and priorities of educational need; and
- Requiring at least a minimum local effort in funding school costs.

### Kindergarten and Pre-Kindergarten Funding

- Providing state funding for half-day pre-kindergarten programs for all at-risk- children; and
- Providing funding for full-day kindergarten programs provided at the option of localities.

### Other Funding

- Funding fully the actual costs to local school division of state and federal mandates which are not included in the SOQ;
- Continuing the current methods of financing capital costs by low-interest loans and bonds;
- Continuing state funding of a share of the employer costs in local school budgets for Social Security, retirement, and group life insurance.

We oppose placing a limit on the amount of local education funding which exceeds the cost of state requirements.  
(1993)

## **PART II: Quality Education**

The League of Women Voters of Virginia believes the following elements are essential to quality education in the public-school system, K-12:

A. challenging curriculum, high expectations of students and teachers in mastering that curriculum, and appropriate assessments of student achievement. The following elements of the curriculum are essential:

- Four core disciplines: English, Mathematics, Science, History and Social Studies;
- Art, Music, Physical Education, Health and Foreign Languages;
- Analytical skills, application of knowledge and decision-making;
- Technology integrated throughout the curriculum;
- Strong remedial programs implemented at the earliest indication of a student's academic weakness;
- Special offerings for at-risk and gifted students and educational programs for students with special needs, using specified minimum standards;
- Education for students with limited English proficiency, in which emphasis is placed on teaching English, while other course content is presented in English;
- Career and Technical Education.
- Professional education of principals and teachers, and on-going staff development; Class size appropriate to instructional goals; A safe environment for students and staff; and

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- Discipline, providing preventative programs and a well-defined system of rules, consistently enforced;
- Guidance Counselors for academics and support services; and
- Parental and community support and involvement.
- Opportunities to select a specific program or school. These opportunities should be based on a system of equity so that all qualified students have equal access. (2003)

The LWV-VA believes that the following are important elements of quality education in the public system, K-12:

- School-based teamwork, goal-setting and decision-making;
- Application of learning to life experiences in further education, work, and leisure activities; and
- Incentives, recognition, and awards for both students and teachers. (1999)

## **PART III: LWV-VA EDUCATION POSITION: School Choice Options: Standards and Criteria**

- A. The League of Women Voters believes that K-12 public schools should prevail as the highest priority for school choice in Virginia because public schools:
  - Sustain democracy by being open to all children,
  - Serve the public and prepare citizens to maintain our government,
  - Allow the public to vote on school governance and school policy, and
  - Allow the exchange of ideas and participation in decision-making. (2018)
- B. The League of Women Voters believes that Public Funds should go to Public Schools, not to Private Schools.
- C. The League of Women Voters of Virginia believes that any programs that may provide public funds for school choice options should be required to meet certain standards and criteria for approval, funding, and operations. The status, in 2018, of the League's approval for current school choice options or proposals are these:
  1. Charter Schools: Support the current (2018) extensive regulations in the Virginia Code for establishment and administration of these Public schools.
  2. Tuition Tax Credit Programs: Oppose this type of program, oppose any expansion from the current parameters (2018), and support limits to decrease the loss of revenue for public schools.
  3. Vouchers: Oppose vouchers *aka* "Parental Choice Education Savings Accounts" (ESAs).
  4. Virtual Schools: Support public school providers with the current (2018) regulations and oversight by the Department of Education and local public-school administrators. Oppose profit-making providers.
- D. Standards and Approval Criteria for School Choice Options

The League of Women Voters of Virginia believes that these standards and criteria should be required for school choice options.

### **1. Charter and Virtual Schools [NOTE: All Virginia Charter Schools are Public Schools.]**

- a. Require (the elected) Local School Board authorization for establishing a Charter School as required and stated in the current (2018) Virginia Code (§ 22.1-212.5 through § 22.1-212.16)
- b. Require local monitoring of administration and management as in current (2018) Virginia Code. (§22.1-212.5 through § 22.1-212.16)

### **2. All School Choice Option Requirements**

- a. Fair and legal funding No public funds shall go to sectarian schools.
  - i. Require Separation of church and state. (See U.S. and VA Constitutions)
  - ii. Oppose unconstitutional "Educational Savings Accounts" aka ESAs aka Vouchers that would allow public funds for private schools and schooling, especially sectarian schools. (See VA Constitution Article VIII, Section 10)
  - iii. Prohibit for-profit operations and profiteering.
- b. Nondiscrimination

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- i. Uphold Federal Civil Rights law.
- ii. Uphold Virginia non-discrimination law: Shall not discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services. (Virginia Charter School Law (current in 2018))
- iii. Ensure equity in choices ( Note: Transportation problems can limit participation by low-income students).
- iv. Require a non-biased student selection process such as,
  - (a) by lottery,
  - (b) by criteria (for a special purpose school option)
    - (i) need
    - (ii) ability
    - (iii) being at or below a certain Federal Poverty Level (FPL) percentage.
- v. Prevent re-segregation.

c. Standards for School Climate

- i. Require proper and effective student retention processes *in order to prevent easy removal of problem students that would return a student to public school.*
- ii. Require a proper and fair discipline policy. (e.g. “Classrooms not Courtrooms”)
- iii. Provide health and safety measures by following Virginia laws.
- iv. Provide a “positive”, “proactive” role in meeting the needs of children.

d. Accountability, oversight and transparency

- i. Require proof of a well-maintained, monitored financial/fiscal management system.  
Show proof of fiscal soundness and budget accountability with these procedures:
  - (a) Annual audit by an independent licensed accounting firm with no personnel from the receiving agency/individual,
  - (b) Tracking in the budget of designated gifts,
  - (c) Tracking of public money in the budget by line item,
  - (d) Require Board of Directors of agency receiving funds to be legally responsible for ensuring that all funds are used as designated.
- ii. Require open meetings and public access to records.
- iii. Evaluate periodically with minimum frequency established.
- iv. Report attendance often, track students’ participation and their completion of the program.
- v. Assess student achievement in all schools and report to the Virginia Department of Education.
- vi. Establish methods and parameters for closing, discontinuing or denying recertification.
- vii. Comply with Federal requirements including the ADA, IDEA, Titles I, VI, IX, FAPE, ESSA.
- viii. Notify parents, prior to enrollment, of any loss of rights protection, particularly for students with disabilities.

e. Credentialed and qualified teachers; personnel support

- i. Maintain adequate number of personnel -- in both “brick-and-mortar” and virtual schools.
- ii. Provide Human Resource quality for employee pay, benefits, and grievance processes.
- iii. Provide a fair pay scale with incentives to succeed that are not based on a monetary bonus.
- iv. Require continuing professional education and re-certification.
- v. Require substantial initial mentoring of teachers.
- vi. Require background checks of all personnel.

**3. Virtual Schools – Public, charter, and private**

- a. Require robust Virginia Department of Education oversight, accreditation, and accountability  
Follow current (2018) Multidivision **Online Provider Guidelines**.
- b. Require best student to teacher ratio. (Currently at least 150:1 or better for high schools.)
- c. Require in-person monitoring of testing for validation, accountability, and reporting.
- d. Require method to determine actual time at computer, to prevent signing-in and leaving.
- e. Assure integrity and purpose of providers. Motive must not be for profit.
- f. Require counseling that meets the Virginia Standards for Academic, Career, and Personal/social School Counseling:

- i. Academic counseling, that assists students and their parents to acquire knowledge of the curricula choices available to students, to plan a program of studies, to arrange and interpret academic testing, and to seek post-secondary academic opportunities;
- ii. Career counseling, that helps students to acquire information and plan action about work, jobs, apprenticeships, and post-secondary educational, and career opportunities;
- iii. Personal/social counseling, that assists students to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes.

g. Require records and reports of the amount of teachers' instruction and assessment time.

h. Assure fair funding statewide.

Payment to the MOP should be based on the per pupil Standard of Quality (SOQ) of the student's resident jurisdiction; not the current (2018) practice that pays the MOP based on the per pupil SOQ of the school jurisdiction where the MOP has been established.

#### 4. Non-Public schools that receive specific public funds

- a. Assure that a "tuition tax credit" program, if established, is well-managed.  
*(Virginia currently has a tax credit scholarship program: Education Improvement Scholarship Credit Program (EISTCP). (LWVUS opposes Tuition Tax Credits.)*
- b. Assure that a Tuition Tax Credit program is not a fiscal detriment to public schools
- c. Limit or oppose the Virginia Education Improvement Scholarship Tax Credit Program
- d. Support lowering the EISTCP annual donation cap and/or lowering the per cent credit allowed.
- e. Prohibit private schools that may receive public funds from using the funds for religious training.
- f. Prohibit establishing Educational Savings Accounts (ESAs) or other voucher-like programs where families receive local school funds for private education purposes.

(Section III update added by vote of Delegates to the June 16,2018 LWV-VA Council)

## JUVENILE JUSTICE

### Position in Brief:

Support for an adequately funded and separate Department of Juvenile Justice that emphasizes prevention and rehabilitation, to include: individualized treatment and training programs, with vocational and alternative education opportunities, family planning support, mental health and substance abuse counseling, community education and recreation programs for young children, alternatives to incarceration such as community service and residence in small group homes, and the removal of juveniles from adult jails and their placement in a juvenile detention facility as necessary.

### The League's History

The 1975-76 Justice study looked at the Department of Corrections and Division of Youth Services, its philosophy, organization, function and all levels of state administration of programs; state facilities; financing; the Juvenile Code; and the predisposition and post-disposition handling of juvenile cases. The second part of the study covered local programs, including alternatives to institutionalization (such as community-based programs) and diversion from the state system. In 1976, a major revision of the Juvenile Code passed, which removed status offenders from court jurisdiction.

The primary legislative focus in 1978 was passage of the Delinquency Prevention and Youth Development Act, which provides 75% state funding for local youth service boards and offices on youth to administer prevention efforts. The League also worked for passage of the Comprehensive Service Act for At-Risk Youth and Families in 1993 and the Virginia Juvenile Community Crime Control Act in 1995, to increase services for juveniles. At its 1995 Convention, LWV-VA delegates voted to examine current issues in the (juvenile) justice system and new positions were established. At the 2013 LWV- VA convention, the delegates approved the integration of restorative justice practices into the juvenile justice position.

### **The League's Position**

The League believes that responsible government shares in the solution of economic and social problems that affect the general welfare. Accordingly, LWV-VA supports a separate Department of Juvenile Justice with sufficient funding to meet the unique needs of this age group. The League believes that the juvenile justice system must emphasize prevention and rehabilitation as well as those general goals of the corrections system. Juvenile delinquency cases are cases involving a minor under the age of 18 who has been accused of committing an offense that would be considered criminal if committed by an adult.

Prevention programs should be provided for children identified with certain risk factors such as: parent incarceration, household history of sexual or drug abuse, child history of behavioral difficulties at an early age. Rehabilitation programs at juvenile facilities should be designed to provide treatment and training specific to the needs of each child and should include counseling, vocational training and accredited academic programs. LWV-VA also urges the Commonwealth to develop activities, programming and training consistent with the values and principles of restorative justice in responding to crime. (2013)

### Courts

LWV-VA supports having all cases involving juvenile defendants assigned to Juvenile and Domestic Relations District Court, where such cases are heard by a judge rather than a jury. (2013)

### Sentencing

Sentencing should take in account a youth's age, maturity, family circumstances, and potential for rehabilitation. Whenever feasible, juveniles sentenced to a period of incarceration should serve their sentences in a juvenile detention facility, rather than an adult jail. Judges rather than juries should have the power of sentencing. LWV-VA believes that a mandatory life sentence without parole for a juvenile is cruel and unusual punishment, even when the crime is violent. (See U.S. Supreme Court Decision – Miller vs. Alabama – June 2012). (2013)

### Corrections-Incarceration LWV-VA supports:

- Assignment of juveniles to juvenile detention facilities whenever possible and their removal from adult jails
- Banning and/or minimizing solitary confinement of juveniles

### Corrections-Alternatives to Incarceration

- Community delinquency prevention programs
- Adequately staffed and structured alternative education programs or community service for all juveniles who have been expelled or suspended from school or paroled from correctional facilities; Mental health and substance abuse programs (in and out patient) oriented to the special needs of juveniles for those identified as needing services. They should include early assessment, evaluation, treatment, and follow-up by qualified personnel;
- A variety of pre and post dispositional community-based services as mandated by the Virginia Juvenile Community Crime Control Act;
- Establishment of small therapeutic group or foster homes for juveniles (2013)

## **BEHAVIORAL HEALTH**

### **Position in Brief:**

Support for comprehensive behavioral health care that includes both mental illness and substance use disorder.

- Access for all people to affordable, quality in- and out-patient behavioral health care, including needed medications and supportive services.
- Coordination of comprehensive and integrated care among Health and Human Services (specifically Behavioral Health) and other state departments such as Medical Assistance Services (Medicaid), Public Safety (re-entry planning, identification of behavioral health needs in jails/prisons, patient's rights, substance abuse, and drug/mental health courts), Housing (Transitional and Permanent Supportive Housing), and Education (health education from early childhood through adult). These agencies must provide this care along

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with a focus on community-based services such as Community Service Boards (CSBs).

- Realignment of the funding equation so that a higher proportion of funds to CSBs rather than state institutions. This will result in more cost-effective care that is more responsive to client's needs.
- Adequate funds and other incentives to ensure sufficient trained staff at all levels of service.
- Continued efforts to decrease the stigmatization of behavioral health problems and care.

### **The League's History**

At its 1985 convention, the LWV-VA adopted a two-year study of mental health services in Virginia. As a first step, in March 1986, the League prepared a document describing the public mental health care system in Virginia its history, organization, financing, and clients. A second resource document was distributed in December 1986 dealing with goals for the mental health system, who the system should serve, factors for use in allocating state funds to communities, and a statewide comprehensive management information system.

Additional issues warranting study, identified during the first two years, resulted in a two-year extension by the 1987 convention delegates. In March 1988 a resource document on involuntary civil commitment and patients' rights was issued. Issues of the 1988 and 1989 *Virginia Voter* provided resource material on housing for the mentally ill and on organization, management, personnel and hospitalization issues.

At its 2017 convention, the LWV-Virginia approved a study to update to its existing mental health position, adopted in 1987 and 1989, that would also integrate the current language of the LWVUS Behavioral Health Position adopted at the 2016 LWVUS Convention. "Behavioral health" is today's nationally recognized terminology. It includes both mental illness and substance use disorder.

### **The League's Position**

The League of Women Voters of Virginia believes that the goals of the state's behavioral health care system should provide:

#### **A. ACCESS, DIAGNOSIS, AND INTEGRATION OF CARE**

Access for all Virginians with behavioral health issues (including opioid abuse) to early, affordable and timely community-based in-patient and out-patient care and diagnosis including:

- Case management, counseling, care-coordination services and medication management
- Behavioral health care for Virginians that is integrated with, and achieves parity with, physical health care
- Community-based and family-focused behavioral health screening, diagnosis and treatment for children and adolescents in Virginia
- Community Service Boards (CSBs) that reduce wait time for services by adopting "same day access/assessment" statewide, sharing best practices and hiring more licensed behavioral health providers
- An alternative transportation model to reduce demands on law enforcement for transporting patients to hospitals
- Expansion of tele-mental health infrastructure, especially for rural counties
- Vocational services to promote self-sufficiency and a positive self-image

#### **B. DIVERSION FROM THE CRIMINAL JUSTICE SYSTEM**

The League acknowledges that there is an intersection between behavioral health and the criminal justice systems. Accordingly, we urge implementation of the following:

- Behavioral health screening of jail inmates
- Specialty behavioral health and drug courts and dockets in all judicial districts in an effort to decriminalize addiction related arrests
- Therapeutic drop-off centers
- Expansion of Crisis Intervention Teams (CIT) programs
- Decriminalizing the reporting of overdoses or drug abuse so friends and family do not fear retribution

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- Civil commitment procedures that provide the client with legal counsel and treatment
- Training about the nature and treatment of mental illness and related issues for justice system personnel involved in civil commitment in Virginia
- Excluding from the death penalty those who suffer from serious mental illness at the time of their crime

### C. HOUSING

The League recognizes the need for affordable and permanent supportive community-based housing and residential services. These services would enable Virginians with a wide-range of behavioral health needs to live as independently as possible in their home communities. Some required initiatives are:

- Enhanced funds for the Virginia Housing Trust Fund
- Private/public partnerships to obtain housing for the mentally ill
- Consider a waiver for Medicaid to pay for counseling for housing options
- Establish tax credits or other financial incentives for landlords and developers who build affordable housing, and local government policies that increase affordable housing stock
- Provide training in independent living skills
- Offer case management which will coordinate needs for food, clothing, and medical care for those in housing to include homeless shelters

### D. BEHAVIORAL HEALTH WORKFORCE DEVELOPMENT

The League urges the Commonwealth to adopt the following practices to correct, high turnover, insufficient staffing, and inadequate training:

- Sufficient qualified and well-trained staff in public and private settings, at all levels, from certified peer specialists to psychiatrists
- Promotion of full use of internet technology for communications and secure information sharing
- Enhancement of pay scales for providers in state institutions to compensate for dealing with challenging patients

### E. OPIOID ABUSE

The League recognizes that the resolution of the opioid crisis requires cooperation among community stakeholders such as CSBs, law enforcement (see Section B -Diversion from Criminal Justice), and non-profit organizations. We urge educational programs that de-stigmatize addiction. The league supports:

- Treatment and Recovery
  - Reducing overdose deaths by increasing access for first-responders and laypersons to medications that counteract opioids
  - Expanding the use of research-based, medication-assisted treatments (MAT) as part of a recovery program to counteract addiction
  - Reducing the supply of both prescription and illicit opioids
- Prevention and Education
  - Encouraging non-pharmacological research and improved training for medical professionals in pain management
  - Promoting of proper storage and disposal of prescription drugs

- Monitoring the prescription and distribution of opioids
- Establishing effective health education programs in schools and community organizations to educate students, parents and community leaders on the dangers of opioid abuse and how to recognize the signs of addiction
- Health education from early childhood throughout life that integrates all aspects of social, emotional and physical health and wellness

## F. FINANCING

LWV-VA supports the continuing partnership between federal, state, and local governments in financing behavioral health programs and services as follows:

- Use Medicaid as an important component of funding along with money from the state's general funds and from local communities
- Undertake a gradual fiscal realignment of the current behavioral health system so that a higher percentage of funds will be allocated to CSBs. (STEP-VA)
- Provide full funding to enable all 40 CSBs to provide "same day access" and primary care screening
- Allocate funds for schools (K-12 and college) and public health departments to work with CSBs in coordinating diagnosis and treatment
- Provide additional resources for first-responders to better respond to an emergency situation that involves opioids
- Align DMAS and DBHDS so that services will be managed using standardized managed care practices and data reporting tools.

## **[CIVIL] RIGHTS OF FELONS IN VIRGINIA (formerly Restoration of Civil Rights of Felons)**

### **Position in Brief:**

The League of Women Voters of Virginia believes that the civil rights of felons, regardless of the nature of their crime, should be restored automatically upon their release from incarceration or upon completion of probation or parole and that the process should be easy to understand, accessible, transparent and fair with information about the process made available to all.

### **The League's History**

In 2005, the Voters Service Committee of the LWV of Lynchburg held a series of informational meetings to better understand the process by which felons could regain their civil right to register to vote. The process was neither predictable, consistent, nor transparent. Some members were concerned about the large number of citizens ineligible to register and its depression of voting, others were concerned with the unfairness of someone who had "paid their debt to society" not being allowed to participate. It became apparent that it was a state-wide problem and those changes could only be made at the direction of the Governor or by a constitutional amendment.

At the 2007 LWV-VA Convention delegates voted to adopt a "Study of the Restoration of Civil Rights of Felons in Virginia as a state study. The state study committee met in Charlottesville. The core group consisted of about 8-10 members although over 20 members participated at one time or another. Fourteen local Leagues participated in the study. Thirteen versions of an informational brochure were written that could be distributed to the general public with information specific to each area where there was a local LWV. The LWV-VA Board approved the consensus statement early in 2009.

### **The League's Position**

The League of Women Voters of Virginia believes that:

- The civil rights of felons in Virginia should be restored automatically either upon their release from incarceration or upon completion of probation and parole.
- The procedure should be identical for all felons, regardless of the nature of their crime.
- The process should be easy to understand, accessible, transparent and fair
- Information about the process should be available to felons, the justice and correction system and the

## OFFENDER RE-ENTRY

### **The League's History**

The position statement was proposed by LWWFA and was recommended by the LWV-VA board as a concurrence at the May 2015 Convention. Convention delegates approved the following statement to be added to LWV-VA Social Policy positions.

### **The League's Position:**

#### **Removing Barriers to Employment**

The League of Women Voters of Virginia supports the removal of barriers to employment for persons with criminal records. This includes support of what are known colloquially as “Ban the Box” efforts. (2015)

## LEAGUE PRINCIPLES

The League of Women Voters believes in representative government and in the Individual Liberties established in the Constitution of the United States. The League of Women Voters of the United States believes that all powers of the U.S. government should be exercised within the constitutional framework of a balance among the three branches of government: legislative, executive, and judicial. *[2<sup>nd</sup> sentence added in 2010]*

The League of Women Voters believes that democratic government depends upon the informed and active participation of its citizens and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible.

The League of Women Voters believes that every citizen should be protected in the right to vote; that every person should have access to free public education that provides equal opportunity for all; and that no person or group should suffer legal, economic or administrative discrimination.

The League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing, and coordination among the different agencies and levels of government.

The League of Women Voters believes that responsible government should be responsive to the will of the people; that government should maintain an equitable and flexible system of taxation, promote the conservation and development of natural resources in the public interest, share in the solution of economic and social problems that affect the general welfare, promote a sound economy and adopt domestic policies that facilitate the solution of international problems.

The League of Women Voters believes that cooperation with other nations is essential in the search for solutions to world problems and that the development of international organization and international law is imperative in the promotion of world peace.

## WHERE DO THE PRINCIPLES COME FROM?

The Principles are “concepts of government” to which the League subscribes. These concepts are a direct descendant of the Platform, which served the League from 1942 to 1956 as the national repository for “principles supported and positions taken by the League as a whole in fields of government to which it had given sustained attention.” By 1956, the Platform had disappeared from the League vocabulary, but the principles survived as “The Principles.” Since that time, the Principles have served two functions, according to the LWVUS Bylaws: (1) authorization for adoption of national, state and local program (Article XII), and (2) as a basis for taking action at the national, state and local levels (Article XII).

*As for action to implement the Principles, the appropriate board authorizes action once it determines that member understanding and agreement do exist and that action is appropriate. As with other action, when there are ramifications beyond a League's own government jurisdiction, that League should consult other Leagues affected.*

The national board suggests that any action on the Principles be taken in conjunction with current League positions to which they apply and on which member agreement and understanding are known to exist. The Principles are rather broad when standing alone, so it is necessary to exercise caution when considering using them as a basis for action.