



## BULLETIN, November, 2022

### LEAGUE OF WOMEN VOTERS OF LEXINGTON

#### LWV NOVEMBER FIRST FRIDAY FORUM NOVEMBER 4, 2022:

The Lexington League will hold its November First Friday Forum in person at the Lexington Community Center, 39 Marrett Road, Lexington, starting at 9:30 am on Friday, November 4. Our featured guest will be **Marian Cohen, Director of the Center for Social Research at Framingham State University** and co-author of the **Report on the Lexington Town Wide Survey 2022**. Ms. Cohen, a Lexington resident and Town Meeting member, will discuss the results of the survey.

This is the third town-wide survey conducted by the Vision for Lexington (formerly the Vision 2020) Committee. It seeks to assess the relative importance to responders of seven areas of concern to the Town: economic development; public education; environmental health and sustainability; physical characteristics; diversity, equity and inclusion; town government; and town services, and to evaluate the Town's performance in those areas. The Select Board, School Committee, and Planning Board will use the results of the survey over the next five years to develop and implement policies.

This program is the second in the 2022-2023 First Friday Forum series hosted by the Lexington League to promote awareness and understanding of public policy issues. There will be time for Q&A after the program. All League forums are free and open to the public. The forum will be recorded by Lex Media so as to be available on their website at [www.lexmedia.org](http://www.lexmedia.org).

#### REMINDER:

**FIRST FRIDAY FORUMS HAVE RETURNED TO IN-PERSON FORMAT.**

**COME 15 MINUTES EARLY FOR COFFEE.**

# LEAGUE OF WOMEN VOTERS OF MASSACHUSETTS

## MASSACHUSETTS LEGISLATIVE UPDATE

All is quiet on the legislative front while we await the start of a new two-year session of the Massachusetts General Court (legislature) after the first of the year.

However, we note that if Article 14 on the Special Town Meeting Warrant passes, the Lexington Select Board will be submitting a petition to the state legislature to allow the reorganization of the Lexington Housing Assistance Board (LexHAB) into an independent nonprofit housing corporation. The proposal is being submitted for a vote in our fall Special Town Meeting to allow the petition to go to the legislature at the earliest possible moment of the new session, hopefully to expedite consideration without waiting through the next two years.

## LWVMA ADVOCACY

## MASSACHUSETTS BALLOT QUESTIONS

As noted in the previous Bulletin, the League of Women Voters of Massachusetts is not taking a position on Ballot Questions 1 – 3, but supports Ballot Question 4. This means that League members may participate in Yes or No campaigns on Questions 1-3 as *individuals* but not as representatives of the League. The LWVMA Board votes to support, oppose, or take no position on specific ballot questions based on positions or goals previously researched and adopted by the League, which are described in Where We Stand on the LWVMA website: [www.lwvma.org](http://www.lwvma.org)

The following extracts from the LWVMA public statement explains its positions on the current questions more thoroughly.

**Question 1:** Additional Tax on Income Over One Million Dollars (Constitutional Amendment Ballot Question) If approved by the voters, this amendment it would assess an additional 4% tax on the portion of an individual's income above \$1 million and earmark that tax revenue for public schools, colleges, and universities, and for the repair and maintenance of roads, bridges and public transportation.

The League is unequivocally opposed to the earmarking of revenues, especially through a constitutional amendment with no mechanism for periodic review and with no "sunset" clause, even when that revenue would be earmarked for goals supported by the League, such as education funding and public transportation. It firmly believes that the legislature should set government spending priorities through the normal budget process and annual

appropriations. However, both the LWVUS and the LWVMA support a graduated income tax, and this amendment would be a step in that direction, adding one new graduated tax bracket.

**Question 2: Regulation of Dental Insurance (Citizen Initiative)** If approved, this initiative would give the Commonwealth's insurance commissioner power to require dental insurers to partially refund premiums to patients if a plan spent more than 17 % on administrative expenses (as opposed to patient care and quality improvement). The League's stated goal for health care is: "An affordable health care system that provides equal access to quality health care for all." With no clear answer as to whether a 17% cutoff would be the best route to achieving that goal, LWVMA takes no position on this ballot question.

**Question 3: Expanded Availability of Licenses for the Sale of Alcoholic Beverages (Citizen Initiative)** This question proposes a new law to raise the number of licenses a single alcohol retailer can own, while imposes a number of restrictions on the sale of alcoholic beverages. The League has no positions on this topic, so the LWVMA takes no position on this question.

**Question 4: Eligibility for Driver's Licenses** LWVMA supports a YES vote on Question 4. A YES vote keeps the Work and Family Mobility Act, which was enacted June 9, 2022, as law in Massachusetts. The Act ensures that all qualified state residents, regardless of immigration status, can apply for a standard Massachusetts driver's license starting on July 1, 2023. Massachusetts became the seventeenth state to pass such a law, joining our neighbors New York, Connecticut, Rhode Island, and Vermont. LWVMA supported this bill during the 2019-20 legislative session.

The Commonwealth of Massachusetts should provide driving certificates, or some other form of proof of driving validation to undocumented drivers, allowing those drivers to drive legally and ensuring that they would have passed a state driving test. The Commonwealth should permit and encourage auto insurance providers to issue insurance coverage to holders of such driving certificates. Allowing all drivers to comply with testing and insurance rules will make everyone safer on the roads. Endorsed by 60+ law enforcement officials, the law is projected to generate \$5million in taxes and \$6 million from fees, inspections, and other services within three years.

**The law does not allow non-citizens to vote and does not automatically register non-citizens to vote.** The RMV already issues licenses to people who are not eligible to vote—non-citizens with green cards and people under 18, for example—with no voting problems.

## LWVMA EVENTS

### FORUM ON NON-PARTISANSHIP

A central tenet of the League of Women Voters at any level is that it is non-partisan, an organization that may take a position on issues, but does not support or oppose individual candidates or parties. In September, the state League hosted a Town Hall Meeting called "Non-Partisanship: What Does It Look Like in These Hyper-Partisan Times?" You can watch it on YouTube at: [youtube.com/watch?v=e5jxUm1e08c](https://youtube.com/watch?v=e5jxUm1e08c) to see how the League is striving to uphold its values, while navigating through today's turbulent politics.

## LWVMA VOTER SERVICE

### VOTE411.org

**The LWVMA online voters' guide for the 2022 Massachusetts elections is now live.**

It covers all candidate races from U.S. Congress down through statewide races as well as all contested county races. The guide also covers the Massachusetts Governor's Council races. We will be adding information about the general election ballot questions soon. The League continues to urge those candidates who have not yet submitted their information to do so. As always, the election information provided is nonpartisan; the League never endorses or supports parties or candidates.

**VOTE411.org**, the LWV national voting information site, turned sixteen this year. It also includes up-to-date information and deadlines for the recently enacted "VOTES Act" law so voters can plan how and when to vote. We hope you will help us share this valuable tool to encourage voters in your community to make informed choices as they go to the polls this fall.



# LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

## LWVUS ADVOCACY

### THE EQUAL RIGHTS AMENDMENT

A Resolution pending in the U.S. Senate and House of Representatives affirms that the Equal Rights Amendment has met all of the requirements needed to be added to the US Constitution. The resolution reflects the sentiment of the Congress that under the terms of Article V of the Constitution, the ERA is already part of the Constitution and should be considered effective as of January 27, 2022.

The national League is continuing its advocacy in support of this Resolution. Below are excerpts of letters sent by Virginia Kase Solomon, LWVUS Chief Executive Officer, to Senator Charles Schumer, U.S. Senate Majority Leader and to the White House Gender Policy Council.

#### To Senator Schumer:

*The League of Women Voters of the United States writes to urge you to schedule a vote on S.J. Res. 1. This resolution would eliminate the timeline for ratification of the Equal Rights Amendment (ERA). The ERA will constitutionally protect the equality of rights under the law regardless of sex and is necessary to uphold the rights of more than half of the nation's population. \* \* \**

*Women gained the right to vote over 100 years ago, but it is past time to protect equality for women in the US Constitution. Despite the significant legal and legislative advances that have been made in recent decades, women continue to face discrimination on the basis of sex. The symptoms of this systemic discrimination are apparent in the ongoing fights against unequal pay, workplace harassment, pregnancy discrimination, domestic violence, and limited access to comprehensive health care. \* \* \* This need is apparent in the Supreme Court's ruling in Dobbs v. Jackson Women's Health Organization, which erodes a fundamental right that women and people who may become pregnant have held for nearly 50 years. We have already seen the devastating consequences of this decision, which underscores the vital need for constitutional protections against the denial of equal rights.*

*The ERA has satisfied all ratification requirements in Article V of the Constitution and should be added as the 28th Amendment. In 1972, Congress passed the ERA with well over the necessary two-thirds vote and sent it to the states. It has been over two years since Virginia became the 38th state to ratify the amendment, fulfilling the three-fourth state ratification requirement. \* \* \**

*Congress has \* \* \* authority to remove the time limit on the ratification of the ERA. The idea of time limits on constitutional amendments is a modern congressional addition to the amendment ratification process. Before the twentieth century, there was no discussion of*

*imposing a time constraint on the states' consideration of a proposed amendment. Further, the timeline for ratification contained in the ERA does not appear in the amendment itself but its resolving clause. \* \* \* Congress is now responsible for passing a joint resolution to eliminate the arbitrary time limit and declare the Amendment ratified.*

*The League of Women Voters supports equal rights for all regardless of sex and \* \* \* believes there cannot be a time limit on establishing equality. The passage of S.J. Res. 1 will remove the ratification timeline and enable the publication of the ERA, a vital step to ensure genuine equality under the law for every person in the nation. The time is now.*

To the Gender Policy Council

*The League of Women Voters of the United States encourages you to urge President Biden to send guidance to the US Archivist to publish the Equal Rights Amendment (ERA). The ERA will constitutionally protect the equality of rights under the law regardless of sex and is necessary to uphold the rights of more than half of the nation's population. \* \* \* The League implores you to move beyond politics to take swift action on this urgent issue. Women gained the right to vote over 100 years ago, and it is past time to ensure equality for women in the US Constitution finally.*

\* \* \*

*President Biden established the Gender Policy Council to help advance gender equity and equality in policy development and implementation. Since then, the Supreme Court ruled in Dobbs v. Jackson Women's Health Organization, revoking a fundamental right that women and people who may become pregnant have held for nearly 50 years, and the US Senate failed to federally codify the right to an abortion through the Women's Health Protection Act. It is evident that addressing sex discrimination requires additional executive action. In his proclamation on Women's Equality Day, the President reiterated his support of the ERA. It is within the President's power to take the final step to ensure that the ERA is published immediately.*

*\* \* \* We appreciate the work of the White House Gender Policy Council to advance gender equity and the support the President has shown for sex equity throughout his years of public service. We hope that he seizes this historic opportunity to add to that legacy and enshrine sex equality into the constitution, a vital step to ensure true equality under the law for every person in the nation. The time is now.*

**LWVUS FILES AN AMICUS BRIEF ON SEPARATION OF POWERS CASE WITH THE SUPREME COURT**

The League of Women Voters of the United States with League chapters from all fifty states and the District of Columbia have filed an amicus brief in the case of *Moore v. Harper* before the Supreme Court. The case concerns the so-called "independent state legislature

theory" (ISLT), which, if adopted, would have far-reaching implications for the future of American democracy. The League is represented by Fair Elections Center and O'Melveny & Myers LLP.

The League of Women Voters has serious concerns about this case because a ruling adopting ISLT would give state legislatures nearly unrestricted authority to set the rules for federal elections, prioritizing the ambitions of state politicians over the American voter. If the Supreme Court upholds this theory, it will undermine the authority of state courts to protect voters when politicians create unconstitutional barriers to voting, draw unlawful voting maps, and invalidate direct democracy efforts like ballot initiatives.

"Giving states unchecked power to set rules for federal elections is an assault on the American voter," said **Virginia Kase Solomón**, CEO of the League of Women Voters of the US. "Historically, state legislatures have enacted the most harmful and suppressive anti-voter laws, and pro-voter groups like the League have relied on the ability to fight them in state courts. The Independent State Legislature Theory is a dangerous, fringe ideology that leaves voters effectively defenseless from harmful election laws."

"In creating the US Constitution, the framers were intentional about establishing a checks and balances system to disrupt any one branch of government from becoming too powerful," said **Celina Stewart**, chief counsel and senior director of advocacy and litigation at the League of Women Voters of the US. "Because state courts have been vested in the salient role of deciding disputes that govern our daily lives, any unraveling of this longstanding balancing would be a dangerous and historic blow to democracy as we know it. We implore the Court to rule in favor of voters and reject the Independent State Legislature Theory."

As this case has massive implications for every state, the League of Women Voters amicus brief expresses the concerns of Leagues representing all 50 states and the District of Columbia. The League's brief focuses on the practical, negative impacts that ISLT will have across the country. Specifically, the brief explores how implementing such a theory would create different election rules for state, local, and federal elections that would cause confusion for administrators and voters alike and would have a deleterious effect in maintaining free and fair elections.

"The theory advanced in *Moore* calls for a legal revolution that would chop up and alternate rules by type of election, ushering in chaos and confusion for poll workers and voters," said **Jon Sherman**, litigation director and senior counsel for Fair Elections Center. "In this dangerous moment for our democracy, the Supreme Court must be a steady hand."

On behalf of the Massachusetts League, our President, Elizabeth Foster-Nolan, and Executive Director Patricia Comfort have stated, "The adoption of the Independent State Legislature

Theory (“ISLT”) by the US Supreme Court would allow politicians nearly unrestricted authority to thwart the will of Massachusetts voters in federal elections. Checks and balances, the underpinning of our democracy, must be preserved. Adoption of the ISLT will erode well-established and fair checks and balances already in place in Massachusetts.”

## VOTE NOVEMBER 8

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*The League of Women Voters is a non-partisan organization dedicated to the principles of self-government established in the Constitution of the United States. The League works to promote political responsibility through informed and active participation of citizens in government.*

*For more information contact Lexington League Convenor Margaret Coppe at [mecoppe@gmail.com](mailto:mecoppe@gmail.com).*

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We welcome Bulletin articles from members. If you'd like to submit an article for the December, 2022 LWV LEXINGTON Bulletin, please send it to Wendy Manz at [wendy\\_manz@yahoo.com](mailto:wendy_manz@yahoo.com) prior to November 25, 2022.

