



THE LEAGUE OF WOMEN VOTERS
OF TOPEKA/SHAWNEE COUNTY

VOTER

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January 2006



3 Tuesday Topics - Lunch 11:30 am
“TABOR: What’s Wrong with The Taxpayers Bill of Rights?”
by **April Holman, Kansas Association of Counties**
Our meal is BBQ Beef Sandwich, baked beans, potato salad, brownie, coffee, tea and water.

10 LWVT/SC Board Meeting - Members welcome
Noon, O’Dooley’s, 1930 Westport Dr. (north of Petsmart on Westport Dr.)
(VOTER information is due for February VOTER. Send materials to **Carol Yoho:cyoho@cox.net**)

19 Roe v. Wade - 33rd Annual Celebration, Topeka Capitol —details, p. 9

February 2006

7 Tuesday Topics - Lunch 11:30 am,
“Preparing for Pandemic Flu”
by **Dr. Howard Rodenberg, KDHE Director of Health**
Our meal is Mexican Salad, Build Your Own, Brownie, tea, coffee and water.

13 LWVT/SC Board Meeting - Members welcome
Noon, O’Dooley’s, 1930 Westport Dr. (north of Petsmart on Westport Dr.)
(VOTER information is due for March VOTER. Send materials to **Carol Yoho:cyoho@cox.net**)

January Tuesday Topics

January Tuesday Topics will be held in room **JCM 101B**,
across from the Millennium Cafe at the Topeka-Shawnee County Public Library.
Meals are available to the first twenty-five arriving, @ \$8.25/ea.
Checks payable to the Millennium Cafe.
If you need a ride to any League event, contact Betsy Rohleder.



PreZ SeZ...

Taxpapers' Bill of Rights – TABOR

TABOR would be a constitutional amendment that would prohibit any raise in taxes. This looks good on its surface but the old adage “there ain't no free sandwich” comes to mind. No one likes to anticipate a raise in taxes but most everyone benefits from state programs and services. There currently is a move afoot in Kansas to try to get a TABOR through the next legislative session.

As you may know, Colorado passed a TABOR in 1992 and implemented it in 1993. The Wisconsin Budget Project reports that since that time, Colorado's ranking among the 50 states has dropped dramatically. (Information provided by Kansas Action for Children [KAC].) The following are some of those rankings: K-12 spending relative to income level dropped from 35th to 48th, per capita higher education funding went from 31st to 47th, percent of teen-age high school dropouts from 31st to 48th, childhood immunizations from 27th to 50th, and "most livable state" from 8th to 23rd. As reported recently in the media, the Governor of Colorado is now asking for a 5 year moratorium on Colorado's TABOR so that the state can recover from serious budget shortfalls.

If a TABOR had been in place in Kansas since 1993, the Center on Budget and Policy Priorities has predicted that a cumulative total of \$8.4 billion would have been cut from state expenditures for programs and services in that 12 year period. This report was recently released by KAC. They further warn that potential cuts could include:

- Cutting 10,000 K-12 teachers
- Increasing the average student-teacher ratio from 15 to 23
- Eliminating the HealthWave insurance for low-income children

- Increasing university tuition by \$1400 on average
- Incarcerating 1300 fewer inmates.

A coalition has formed to protect and improve the quality of life for all Kansans by opposing a Kansas TABOR. The name of this group is “Coalition for a Prosperous Kansas.” If you wish more information on TABOR, you can visit: <http://TABORtruth.org>. We will try to bring you more information about the plan for a Kansas TABOR as it becomes available.

And remember, stand up and speak out for good government.

—Jan Waide

League of Women Voters T-SC

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Celebrating 85 years!

Tuesday Topics, November/December

“An Impartial, Accountable Judiciary”

by **Judge Patrick McAnany**
Kansas Court of Appeals

Background:

In Kansas cases are first decided in District Court and may be appealed to the Kansas Court of Appeals. Review occurs in the Kansas Supreme Court and may go as high as the U.S. Supreme Court.

In the District Court trial lawyers investigate, collect evidence and locate witnesses. Evidence is presented, witnesses testify, and the jury determines who to believe and determines facts. The judge instructs the jury on applicable law and the jury applies the law to the facts and arrives at a verdict.

The Court of Appeals reviews the records, transcripts of trials and papers filed with the district court, reviews briefs and hears oral arguments from the lawyers, then determines if the trial court committed any errors in procedures or in applying the law to the facts. The Court of Appeals does not take testimony, receive any new evidence, determine credibility of witnesses, determine facts, nor create new law.

If a case should reach the Kansas Supreme Court, the judges review the records from the trial, reviews written briefs, hears oral argument from the lawyers, reviews the opinion of the Court of Appeals and decide whether the District Court or the Court of Appeals committed any errors in applying the law.

Claims of “Judicial Activism”:

The action of appeals can be explored through some recent examples: the Elian Gonzalez case, The Terri Schiavo case, the Kansas School Tuition case, and the Kansas School Finance case. In each case, appellate courts considered the facts of the cases, reviewed court records of witness testimony, lawyer briefs, and existing laws impacting cases. In none of these cases did the appeals court sway the outcome by imposing their own opinions.

A recent study from the Yale Law School looked at Supreme Court decisions since 1994 when current Justices (except Roberts) were on the court. Justice Clarence Thomas was shown most



November: **Judge Patrick McAnany**



December: **Elizabeth Ensley**

“Mail-In Balloting”

by **Elizabeth Ensley**
Shawnee Co. Election
Commissioner

The city-county government consolidation question is Shawnee County's first county-wide mail-in ballot elec-

tion. It was a more expensive undertaking than any poll balloting due to the cost of printed materials and postage to send out ballots and postage on those ballots returned. Whereas \$140,000 is budgeted for a typical poll ballot, this mail-in ballot election could cost \$185,000-\$200,000, based on response.

The election office is set up to handle 8,500 ballots per day. Steps include:

1. **Ballot reception.** Pick up, sort, count, open, and may help with alphabetizing.
2. **Ballot entry.** Screen for defaults, scan in the ballot and check signatures. All signatures must be verified. Problem ballots are pooled as “Provisional .”
3. **Provisionals.** Determine eligibility and send needed replacement ballots.
4. **Poll book audit.** Alphabetize ballots and check the list against the ballots.
5. **Count ballots.** Pull ballot from envelope, vote side down, and feed through the counting machine, handling any Accu-Vote problems. *Step 5 occurs only after voting closes at noon, Dec. 15.*

Commissioner Ensley specifically thanked postal employees and election office volunteers in the smoothness of this election.

HAVA is the **Help America Vote Act**, intended to help voters with disabilities cast private votes at polling places. The new election administrative system is called “ELVIS,” the Election Voter Information System. Kansas is high on handicapped accessibility and has just ordered the equipment. The new system is expected to be in place for the Fall 2006 election. 🗳️

—continued on p. 4

—continued from p. 3

likely to strike down legislation (65.63%), yet he was appointed by George Bush Sr. and is considered conservative. Least inclined was Justice Stephen Breyer (28.13%), appointed by Bill Clinton and considered liberal. The Yale study showed Justice Sandra Day O'Connor to be the most middle-of-the-road justice. Her vote one way or another was most likely to tip the balance of power.

**So, what is “Judicial Activism”?
It's any judicial ruling we don't like!**

We do not want "Activist Judges" who decide cases on their own personal views of what the law ought to

be, but we still want the courts to vigorously protect our rights: freedom of speech, freedom of religion, equal protection of the laws, due process of law, freedom from unwarranted government interference.

It is the role of the courts to protect these rights even for those who are politically unpopular, weak, poor, or in the minority. McAnany quoted Justice Sandra Day O'Connor: "Judicial independence is not an end in itself, but a means to an end. It is the kernel of the rule of law, giving the citizenry confidence that the laws will be fairly and dequally applied."

VIGOROUS-Not Activist. 🍷

November 20, 2005 Board Briefs

The Finance Drive Committee recommends meeting every year but having a drive every other year. It is imperative to keep the League name and activities in front of the community.

The June 6 Tuesday Topics will be at the downtown YWCA.

Final details of the Issues Dinner were shared.

A Resolution to Extend the 1965 Voters Right Act, along with a cover letter, will be sent to the Shawnee County and congressional delegations.

Materials from the October 20 LWVK training session by Mary Ann Bradford were distributed to the appropriate board members.

At the proper time, the President will write a letter to the editor opposing TABOR.

by *Edith Bronson,*
LWVT-SC Secretary



December 13, 2005 Board Briefs

President Jan Waide called the meeting to order at noon at O'Dooleys with all members present. The Consent Agenda (November minutes and board reports) was accepted.

*Other Leagues are interested in our consolidation materials.

*Treasurer's report listed net worth at \$9,387.42.

*We will collaborate with WU Law School, KBA, etc. to address the topic "Independent Judiciary" on Law Day, May 1. Grant application for accompanying expenses could provide national visibility.

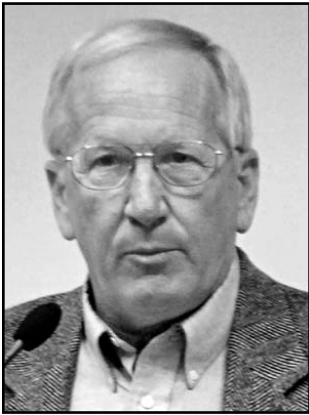
*First packet of LWVK materials on Mental Health study will be mailed to local Leagues in January.

*Finance drive brought in \$635 with a good response from members. Committee goals have been met.

*Board voted to support "abolition of the death penalty" at the upcoming LWVUS Convention, June 9-13 in Minneapolis.

*Board planned participation in the Roe vs. Wade rally January 19 with a table and appropriate materials.

by *Edith Bronson,*
LWVT-SC Secretary



City-County Consolidation Issue

Dennis Schwartz
County Representative on
the Consolidation
Committee

The reason to consider city-county government consolidation is to pool resources and work together for the good of both communities. The commission assigned the task of planning a policy was challenged by a very tight timeline for developing the plan and a need to follow law set in House Bill 2083, wherein a majority of both city and county voters must approve the plan. Schwartz sees consolidation as a positive step forward, should the community vote to join forces. [The consolidation issues was defeated by mail-in ballot at the December 15 deadline.]

Governmental Issues Dinner Wrap-up

—by *Nancy Kindling*

The 2005 dinner was held Thursday night, November 10. Invited guests were, for the first time, the Shawnee County Public School Superintendents and Board Presidents. Dr. Jerry Farley, President of Washburn University, spoke of challenges in the future of higher education.



Dr. Jerry Farley


Nearly fifty League members, school board members and educators attended. Four Superintendents and two Board presidents were among our guests. Position papers were handed out to guests, as were VOTE pins in honor of the 85th Anniversary of the 19th Amendment. I also wrote notes to those not attending, stressing the League's interest in quality and adequate funding of education and expressing that we all benefited from Dr. Farley's speech.

Welcome



New Member

* **Nancy Boyda**
who joined at the
December 6th Tuesday Topics meeting.



State Study on Mental Health

—by *Gwen Elliott*

The State Study Committee on Mental Health met November 20th in Wichita and worked on ideas for assembling study packets for local leagues. The goal is to send the first packet out around Jan, 10, 2006.

Finance and Fundraising

—by *Betsy Rohleder*

The Finance Drive sub-committee has met three times. 350 Dear Friend letters were sent into the community and to local league members. The intent of the letters this year is twofold: to inform the community (of 350) of what we have been doing over the past couple of years and to request on-going contributions of support for our work.

Thanks to the team of **Carol Rousey, Pat Stenson, Grace Wilson, Gwen Elliott, Bob Harder and Chelsey Smith** in helping with this mailing project.



City Council

October 25, 2005, by Joe D. Sargent

Once again the meeting ran past 11:00 p.m., but the Council voted 6 to 3 to return to four monthly action meetings. This should help the work of the Council so that meetings going into the early morning will be a rarity.

After I left at 11:00 p.m., the Council decided unanimously to request that the Slavin Management Consultants also help with the hiring of a permanent police chief. The present police chief, Ed Klumpp, will retire this December. Prior to the above vote, there was sentiment expressed for hiring the interim and permanent police chiefs from outside the Department. However, the request for hiring the interim police chief from outside was rejected.

Council Member Blackburn tried to send a message to the residents in unincorporated Shawnee County that they had no need for fear annexation until after the April, 2009, City elections. A resolution with this intent passed 5 to 4 with Alcalá, Ortiz, Harmon, and Kennedy dissenting. Action on such a measure seemed necessary because of pro-consolidation interests accusing the City Council of possibly making a land grab of the whole County. Supposedly, the Council's action should decrease concern of annexation for 49,000 persons in unincorporated Shawnee County.

An important measure for downtown business won approval by a 7 to 2 vote. There will be no enforcement of parking meter and overtime parking rules in downtown from 11:00 a.m. to 2:00 p.m. for a 66-day trial period (including the holidays).

Additional business included the rejection of a proposed project of \$1.5 million to improve 8th Street as the "Capital Parkway" with the intent to consider the project again in 6 months. Also, there was approval of transferring the City's animal shelter to the Helping Hands Society. The 2006-2007 Capital Budget and the 2006-2007 Capital Improvement Plan, both of which included \$1.5 million for redevelopment of the College Hill Area, passed unanimously. A request to the State for a grant to extend the Shunga Trail from 28th Street and Fairlawn to the south and west of 29th Street also won unanimously.

November 8, 2005, by Joe D. Sargent

The "India Association of Topeka" presented a check

for \$4100 to the Capital Miracle League for a softball diamond that could be used by the disabled. The total cost for this project will be around one million dollars.

A resolution introduced by four Council Members (Ortiz, Kennedy, Blackburn, and Alcalá) would alter the rules by which the Council does its business. It would reinstate four action meetings a month, and the Council would receive public comment and final consideration of this proposal on 11/8/05.

The most contentious period during the Council meeting occurred when the ordinance introduced by Council Member Alcalá came up for consideration. It was developed from discussions of NIA representatives with City staff and reportedly would improve input to the Citizens Advisory Council in regards to the distribution of public funds by the City to Neighborhood Improvement Associations. There was considerable public support for this ordinance. An amendment sponsored by Council Person Haynes stated that neighborhood groups of 25 residents or more could petition the City Manager for the available public funds for proposed projects. The CAC would be disabled. Comment was made that groups, not represented by NIA's, could now make requests for these funds. According to a HUD representative, these funds must be distributed in a manner that complies with federal guidelines. The amended ordinance passed by a vote of 5 to 4. Council Member Alcalá then made a Point of Order since he felt that the amendment by Council Member Haynes made a substantial change in the original ordinance. Mayor Bunten did call a Point of Order, but it was rejected by a Council majority.

The Council voted to provide funds to pay for the cost of renovation at Heartland Park amounting approximately to 245 million dollars. As stated in my Report of the City Council Meeting on 9/13/05, these renovations would be supported by Star Bonds, not by General Obligation Bonds.

The Acting City Manager indicated that the list of candidates for permanent City manager was to be decreased. The Council hopes to schedule interviews with the five best qualified candidates in early December.

Addendum: the Mayor did veto the amended ordinance sponsored by Council Member Haynes several days later.

Shawnee County Commission

October 27, 2005, by *Jan Waide*

Two main issues today: permit for a clean rubble landfill and more money for the Juvenile Intake and Assessment Unit.

The owners of a 6 acre quarry located at 6528 SE California Ave. wanted to fill in the quarry with construction waste (concrete, asphalt, rocks, silt, dry wall, etc.). The neighbors came out in force to protest due to the dust, noise and traffic congestion the big trucks would cause on a narrow two lane road to the property. The noise nuisance issue was hard to understand since the property is next the airport, Heartland Park and a law enforcement gun range. The property owner offered to pave the strip of road in front of the property to keep the dust to a minimum. The attorney for the landowner seeking the permit could not make this meeting so decision was delayed until next Monday to give him the opportunity to rebut the testimony today.

The Intake and Assessment Unit is \$76,000 short of funding. Without additional funding, it will have to close on 3-15-2006. This shortage is due to their federal grant (which began on 10-1-2005 (FFY) being cut 64%. Don Jordan of the Juvenile Justice Authority (JJA) says any money JJA has must go for Community Corrections purchase of service. Betsy Gillespie, Dir. Of the Sn. Corrections Center, reported that the number of juvenile offenders in the Detention Center has regularly decreased since the inception of the Intake and Assessment Unit. She rents the unused beds to other counties. She says they received over \$200,000 from Johnson County for their juveniles being detained in Shawnee County. (Editorial comment: I do not understand why some of that money could not be used at the Juvenile Intake and Assessment Unit. I am sure Betsy has to deposit it to the county general fund.)

Action taken: The Shawnee County Commission will meet with the Shawnee County delegation to the legislature the try for increased funding from the state. They plan to meet with them on Dec. 5th. Judge Dan Mitchell said the formula that defines how money is distributed is determined by the state JJA program.

November 3, 2005, by *Jan Waide*

Mr. Terrance Vaughn appeared to make a claim against the county for the removal of yellow paint from

his red pickup. He picked up this paint on Wanamaker between 61st and 43rd. He reported that there were no signs, flags, ect., warning motorists of the wet striping. He had an estimate of \$574 to fix the damage. The county seemed amenable to reimbursing him for the damage to his truck but asked him to get two more estimates. He will do that.

The trash removal department reported on progress of obtaining computer lists from the private trash haulers of all the residences they serve. This way they can report duplication of services or lack of service. There is a County Ordinance requiring each home owner to have a designated trash hauler. Those without can be fined \$500.00. They currently estimate that there are 24,000 residences without trash service in Shawnee County. All trash haulers are willing to provide the lists except for two small haulers. They do not have computer capability but can give hand written lists of approximately 400 addresses. There are 12 haulers in Shawnee County.

November 17, 2005, by *Jan Waide*

Presenting the County Audit was Berberich-Trahan and Co. Their audit cited the need for a separate governing body for the Health Department, questioned the Health agency's financial statements and certain expenditures from a health department federal grant. The commissioners then decided that the county should have an accounting manual that would contain day to day procedures for the various departments. No assignment for action on this idea was made.

December 1, 2005, by *Jan Waide*

They approved a contract with Dr. Gregory Van Sickle for medical and healthcare services at the primary care clinic. He is not paid for attending Health Department meetings and is expected to volunteer that time.

Elizabeth Ensley requested permission to purchase ADA accessible voting equipment compatible with their current software for every voting place in the county. This enables the handicapped to vote independently. This would require the expenditure of \$753,000 of HAVA (Help America Vote Act) funds.

—continued on p. 8

In addition, she requested \$63,000 from county funds for touch screen paper trail to go with the ADA accessible voting equipment. (Federal HAVA funds can not be used for this.) This way the voter can verify that the vote is accurate. Board workers would give everyone the option of using the touch screen or using the paper ballots. She said we need to encourage everyone to use the touch screen to protect the privacy

of the disabled voters. The touch screen allows second chance voting—the voter can check and change his vote if need be. Visually impaired can get their vote verified over the head phones.

These purchases were both approved. However, Commissioner Miller wanted to go on record with the statement, "this is a classic case of federal government overkill." 🍇

In Support of Voting Rights:

To be sent to the Kansas Delegation and to National League near the end of 2005:

Whereas, the Topeka/Shawnee County League of Women Voters believes that all people deserve the right of equality at the polls,

Whereas, the 1965 Voting Rights Act insured that the minority segment of our country's population received equal rights at the voting polls

Whereas, the 1965 Voting Rights Act will expire in the year 2007, and

Whereas, the expiration of the 1965 Voting Rights Act would be devastating to the equal voting rights afforded citizens of our country,

Therefore be it resolved that the Topeka-Shawnee County supports the reauthorization of the 1965 Voting Rights Act into the future and will work diligently to assure passage of legislation that would extend the 1965 Voting Rights Act.

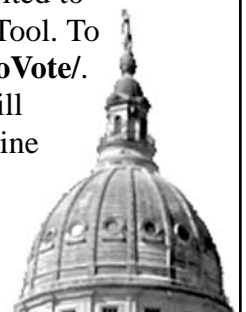
LWVUS NEWS *reprinted from The League E-Voice*

LWVEF's Online Voter Education Presence

With the 2006 elections coming up, planning is underway for providing various types of nonpartisan information to voters. DNet will not be operational in 2006. However, LWVEF will build on the success of the 2005 Online Voters' Guide project to post League Voters' Guides on the LWVUS Web site. Over 90 were posted in 2005 alone, and several of these were in languages other than English. LWVUS is exploring other options for the Web site and Leagues are encouraged to consider all their options for ensuring a strong state and local League online presence as well. In add

tion to candidate information, the LWVUS Web site will provide more and better types of other election-related information. The Voter Outreach and Education section will be revamped and will provide updated editions of many of our election publications. Many of these will be available in hard copy as well.

One online election tool we are excited to highlight is our Voter Registration Tool. To link go to www.lwv.org/RegisterToVote/. With all this content, the League will be providing a robust, national on-line resource for voters in 2006 and beyond.



Roe v. Wade 33rd Annual Celebration

Your presence is needed to send a strong message in support of Women's Rights

Thursday, January 19, 2006

Topeka Capitol, 1st Floor Rotunda

*Our Grandmothers' Struggle!
Our Mothers' Freedom!
Our Choice to Protect!*

Sponsored by the Kansas Choice Alliance

Registration 9:30 a.m. — Rotunda, 1st Floor

KCA member organizations' literature available

Rally in Rotunda — 10 a.m.

Hear women's stories about their personal choices and the impact of *Roe* in their lives and State Legislators speak to upcoming issues.

Legislative visits before and after lunch with our message supporting Reproductive Rights

Luncheon — 12 p.m.

Enjoy a buffet luncheon in Rotunda with Legislators and Women's Rights Advocates

Senate Invocation by Dr. Bob Meneilly — 2:30 p.m.

Reverend Emeritus, Village Presbyterian Church, Prairie Village, KS

RSVP by Monday, January 16th — Because...We Won't Go Back!

Name _____ Phone (_____) _____

Address _____ City _____ State _____ Zip _____

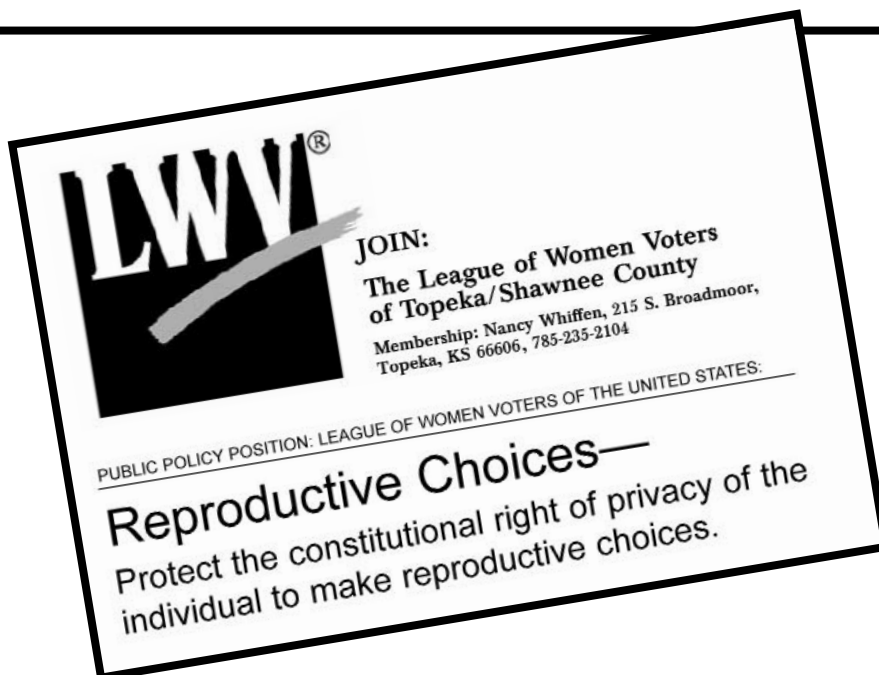
E-mail _____

Lunches (\$15 ea.) _____ # Student (\$5 ea.) _____

Name of Guests _____

Sorry, unable to attend but want to send a donation (Amt. Enclosed) \$ _____

Checks payable to: KCA, c/o Barbara Holzmark, 3016 W. 84th St., Leanwood, KS 66206
Info: 913-381-8222 KansKCA@aol.com



Calendar	1
PreZ Sez	2
Tuesday Topics Report	3-4
Board Briefs	4
Local League News	5
Observer Reports	6-8
LWVUS News	8
Roe v. Wade, January 19, Capitol	9

VOTER, January 2006:

ADDRESS CORRECTION REQUESTED



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Happy New Year
2006!

5 blank cards + envelopes for \$5.
 Contact Betsy Rohleder

Mark your calendar:

Roe v. Wade

33rd Annual Celebration

January 19, 2006

Topeka Capitol, 1st Floor Rotunda

10 a.m., Rally

Noon, Luncheon (R.S.V.P. on p. 9), \$15

2:30 p.m., Senate Invocation

YES!

I want to add my voice to yours by joining the League of Women Voters. I enclose:
 \$48 for 1-year Individual Membership \$72 for a 1-year Household Membership
 \$85 for a 1-year Sustaining Membership Please send more information.
 I am unable to join the League at this time, but enclose a contribution of \$ _____

Name _____
 Address _____
 City, State, Zip _____
 Phone (hm) _____ (wk) _____
 E-Mail (for Action Alerts) _____

Please send to:
 Sybil Wiegman, Treasurer
 2805 SW Tall Grass Dr.
 TOPEKA, KS 66614-6026
 785-478-1679

Make checks payable to League of Women Voters of Topeka-Shawnee County