



LEAGUE OF WOMEN VOTERS®
OF NEW JERSEY

STUDY & ACTION

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FOREWORD

Organization

Study & Action is the state program of the League of Women Voters of New Jersey. It was affirmed by delegates at our May 4, 2019 biennial convention. It is designed to help League leaders make use of LWVNJ public policy positions to advocate at the state and local levels.

Positions in Brief are summary statements and contain a quick overview of what is in each program item.

Statements of Position (presented in italics): This is the actual text of the position which reflects the LWVNJ consensus on the issue. This means that as a result of a prior study, the membership has reached substantial agreement on the aspects of the issue described in the position and action may be taken based on that agreement. Positions are reaffirmed at each state convention to ensure that understanding and agreement still exist so that the position may continue to be used as a basis for action.

Position History: These sections contain information about the reasons for undertaking the original study, current status of the public policy in that area and the types of action that have been taken on the basis of the consensus position. Thus, useful insights into the precedent for certain types of action under a particular position are included.

Positions Dropped: A list of League positions dropped by the delegates in convention since 1993. In applying state positions to local and county issues, it is the responsibility of the appropriate board to determine whether the action is suitable in terms of timing, need and effectiveness and whether member understanding and agreement exist.

Interfacing with National Positions

State action based on national positions is an integral part of government, natural resources and social policy program areas. "State Action on National Positions" is included at the end of relevant program sections. For a detailed presentation of national positions and program, see the current LWVUS publication, *Impact on Issues*.

League Principles may be used for action under state and national positions.

The Principles are “concepts of government” to which the League subscribes. They are a direct descendant of the Platform, which served 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 has given sustained attention.” The Principles are rather broad when standing alone and action on the Principles should be taken in conjunction with current League positions to which they apply.

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.

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, 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 development of international organization and international law is imperative in the promotion of world peace.

Positions in Brief

ADMINISTRATION OF JUSTICE

- **Death Penalty:** Oppose capital punishment under any circumstances and for any type of crime. Life imprisonment without possibility of parole is the appropriate alternative.
- **Family Court:** Support adequate funding and training of personnel.
- **Juvenile Justice:** Support rehabilitation programs including a broad range of graduated sanctions and services and adequate funding for community based facilities. Support measures to reduce disproportionate representation of minority youth in the system and a single independent state level agency.
- **Mediation in the Municipal Courts:** Support statewide implementation of mediation programs.

EDUCATION

- **Charter Schools:** Support charter schools to encourage innovation within the public schools, while preserving the public character of public education. Traditional public school districts should be protected from arbitrary funding changes with respect to charter school funding.
- **Private School Choice:** Oppose use of public funds to support students in non-public schools.
- **Public School Funding:** See Public Education Funding under Fiscal Policy.
- **School District Regionalization:** Support decision-making by citizens of affected districts, so long as right to equal educational access is not abridged. Support merger of some types of districts into a regional district, others into single k-12 districts, and elimination of districts with less than 500 students. Support revision of decision-making process for changes in tax-allocation formula. Oppose formation of countywide districts.
- **State Role in Achieving Quality Education:** Support the sharing of responsibility between state and local school boards for educational outcomes; support state assistance and monitoring; state-set curriculum content standards, and structural flexibility.
- **Teacher Certification and Professional Development:** Support continuation and improvement of the alternative route to certification to assure substantive training, valid evaluation and appropriate support. Support periodic renewal of certification and requirement of continuing professional development.
- **Tenure:** Support elimination of tenure for administrators.

FISCAL POLICY

- **Dedication of Taxes:** Oppose the constitutional dedication of taxes.

- **Public School Funding:** Promote state fiscal measures to improve and equalize opportunities for public education including aid for school facilities and adequate support for children with special needs. Protect school districts from arbitrary funding changes. State education mandates should be used to meet educational standards, include significant state funding and adequate time for implementation.
- **Tax and Spending Limits:** Support limits on taxation and spending by school districts, municipal, county and state governments.
- **Tax and Spending Policy:** Promote sound fiscal policies through a progressive and equitable tax structure with adequate revenue to provide state and local services to meet the needs of New Jersey citizens. Support measures to reduce dependence on the local property tax and disparities in tax rates and services among communities.

GOVERNMENT

- **Campaign Finance:** Support an open and accountable system including contribution and expenditure disclosure and limitations. Support a system of public and private funding.
- **Independent Commissions and Authorities:** Support accountability, openness, coordination in planning between commissions and authorities and oversight by executive branch.
- **Lieutenant Governor:** Support office with defined responsibilities and succession for remainder of elected term.
- **Structures and Procedures:** Support longer staggered terms and single member districts.
- **Voting Rights for Parolees and Probationers:** Support restoring voting rights to all parolees and probationers who are U.S. citizens.

NATURAL RESOURCES

- **Planning for Growth:** Support a comprehensive state planning policy for land use decisions which includes open space conservation, habitat preservation for biodiversity, farmland preservation, provision of low and moderate-income housing consistent with environmental policies and historic preservation. Support watershed management, storm water management, non-structural approaches to flood damage reduction in all river basins and education and enforcement programs to eliminate both non-point and point source pollution. Support a transportation planning process that provides all segments of the population with a minimum level of mobility, contributes to sound land use planning, is consistent with local and regional development goals, considers energy conservation and environmental protection and enhances the social and economic welfare of all state residents.
- **Coastal Zone:** Support planning which leads to best possible outcome for people, land and coast.
- **Radioactive Waste:** Public health and safety should be the primary considerations in managing radioactive wastes. Greater weight should be given to prevention of environmental degradation over economic constraints.

- **Solid Waste Management:** Strategies for managing municipal solid waste should be implemented in the following order: source reduction, recycling, waste-to-energy, and landfill.

SOCIAL POLICY

- **Instate Tuition:** Support extending instate tuition to unauthorized immigrants who graduate from NJ high schools and are admitted to NJ's public institutions of higher education. In addition, if the state funds private higher education for New Jersey students, the League supports including unauthorized immigrants who would qualify for instate tuition at par in the funding formula for private colleges and universities.
- **Driving certificates for undocumented drivers:** Support "driving certificates" or some other form of proof of driving validation to undocumented drivers. Support permitting and encouraging auto insurance providers to issue insurance coverage to holders of such driving certificates.

TRANSPORTATION

- **Transportation:** Support use of public monies to subsidize both operating and capital costs of public transportation.

WOMEN & FAMILY ISSUES

- **Child Care:** Promote state efforts to increase the availability of quality child care service.
- **Domestic Violence:** Support measures that protect victims and survivors.
- **Family Life Education:** Support the teaching of comprehensive family life education in the public schools.
- **Legal Status of Women:** Promote laws that protect the rights of women. Support revisions of property and inheritance laws, expeditious and less costly divorce procedures, equitable distribution statutes, strengthening of laws regarding disclosure of assets and methods for collecting support payments.
- **Reproductive Rights/Public Policy on Abortion:** Support the right of the individual to make the choice of whether or not to terminate a pregnancy.
- **Human Trafficking:** Oppose all forms of human trafficking. Support programs and services to combat human trafficking, training for law enforcement, medical and other professionals, and education on internet safety. Support effective laws and policies to combat human trafficking, protection and services for victims, and unequivocal recognition that victims are not criminals. Oppose discrimination and violence against women.
- **Sexual Assaults in the College Community:** Support policies and programs to combat sexual misconduct and sexual assault on college campuses. Support early and ongoing preventive measures; education on consent, policies, and other relevant information; counseling and protection for victims; and an active role by campus administration in combating sexual misconduct and assault.

Administration of Justice

Statements of Positions and History

Death Penalty – 2004

The League of Women Voters of New Jersey believes that capital punishment should not be a sentencing option for murder or any other crime. A sentence of life imprisonment without possibility of parole is punishment that insures public safety without subjecting the state to the many complex problems associated with the death penalty. The League of Women Voters of New Jersey also supports the principle of restitution and services to those affected by violent crimes.

Along with opposition to the death penalty, we support systemic reforms of the judicial system as it applies to violent crimes. These reforms include:

- *Stronger standards of competency and experience for attorneys.*
- *State funding for the testing and preservation of biological evidence.*
- *Reforms to assure the validity of testimony by eyewitnesses, co-defendants, and jailhouse informants.*
- *Reforms to address problems of proportionality in sentencing.*

Until the death penalty in New Jersey is abolished, the League of Women Voters of New Jersey supports an immediate moratorium on executions and further study of the capital punishment system.

Explanatory Statement

The League of Women Voters of New Jersey opposes capital punishment under any circumstances and for any type of crime.

Life imprisonment without possibility of parole is the appropriate alternative for the worst crimes. Requiring restitution by the criminal is appropriate and acceptable, but the League could support legislation that did not include it.

The League does not support the use of 30 years before eligibility for parole as an alternative to capital punishment for crimes currently considered capital. This option was available during the consensus process, but was not accepted by the majority of participants.

Since the final consensus was clearly to oppose the death penalty across the board, certain points on which there was, in fact, agreement, were not included in the position. Notably, opposition to the death penalty for the mentally ill was even more emphatic than that against the death penalty in general, and members did want the death penalty restricted to the most heinous crimes, should it continue to exist.

The consensus process inquired about reforms to the system for “capital cases”. The wording was changed to “violent crimes” in the final position, to reflect our opposition to capital punishment. Thus the section of the position listing recommendations for reform for violent crimes should be interpreted as applying most directly to crimes serious enough as to currently be considered capital offenses.

Position History

At the time of our consensus, the legislature was debating forming a commission to review the State’s death penalty law. We published a brochure “Ending the Death Penalty in New Jersey” to promote our position and worked in coalition for establishing a commission. The NJ Death Penalty Study Commission was created in 2006. It issued its final report in January 2007 recommending the death penalty be abolished and replaced with life imprisonment without possibility of parole. Our efforts then focused on getting a law passed to implement the recommendations. We were successful in December 2007.

Family Court – 1977

Adequate funding for a Family Court is of crucial importance. A properly functioning Family Court provides access to a host of supportive services, including intake workers, probation officers, diagnostic psychologists, psychiatrists, social workers and counselors, as well as legal aides to judges and other court personnel and litigants. Each Family Court should define and assure administrative responsibility for seeing that intake referrals are followed and Family Court mandates are implemented.

Family Court judges should have an interest in family law. To that end, in-service training should be encouraged, as well as appointment of judges who have previous training, experience or expressed interest in family law.

Position History

Immediately after reaching consensus in 1977, LWVNJ promoted the creation of a Family Court system as a division of Superior Court and monitored its original operations as a division of the Superior Court. In 1998, the Program Evaluation Committee, believing that statutory and administrative changes had substantially accomplished the goals of the position, recommended that all parts of the position be dropped except for references to adequate funding. This section was retained because the transfer of financial responsibility for the family courts from the counties to the state did not occur until January 1, 1995, and time was needed to monitor the adequacy and effects of this arrangement.

Delegates to the 51st Convention also voted to retain the paragraph concerning the appointment of family court judges whose training and experience impact decisions which are relevant to League positions on domestic violence and other women's issues.

Juvenile Justice – 1975, 1996

The League of Women Voters of New Jersey support rehabilitation of the juvenile offender as the primary purpose of the juvenile justice system. The League supports the creation and development of rehabilitation programs at the county and community levels. Of equal importance are programs designed to prevent juveniles from entering the juvenile justice system. Effective supervision and aftercare following release from correctional or residential programs must be provided. Sufficient funding of preventative and rehabilitative programs is essential. Juvenile offenders must be held responsible and accountable for their actions with immediate intervention when delinquent behavior first occurs. A broad range of graduated sanctions and services should be utilized with appropriate supervision, treatment and education. The involvement of parent/guardian is imperative in a manner consistent with the rehabilitation of the juvenile.

Responsibility for planning, policy development, facilities and programs for all youths involved in, or at risk of involvement in, the system should be clearly defined and located in a single independent state level agency.

The League strongly supports measures that would reduce disproportionate representation of minority youth in the system. This arises in part from a lack of resources in urban areas to fund community-based facilities and services. Each county must have access to sufficient funds to meet its needs.

Position History

LWVNJ successfully supported the adoption of the Code of Juvenile Justice in 1982 and the creation of Juvenile Justice Conference Committees as a court-approved juvenile service in 1984.

An update of the 1975 Juvenile Justice position was approved in February 1996. LWVNJ supported legislation restructuring the juvenile justice system in New Jersey.

Mediation in the Municipal Courts – 1989

The League of Women Voters of New Jersey believes that the process of mediation in the municipal courts should be a mandated option in all the municipal courts in the state. The process should be available, although its use should be optional. There should be uniform procedures throughout the state to ensure equitable justice.

Process

- *Cases referred for mediation should meet specific guidelines. The disputants should have an on-going or interpersonal relationship, such as in neighborhood disputes. Cases of limited monetary value would also be appropriate for the mediation process. Cases involving indictable offenses should not be considered appropriate for mediation.*
- *Cases should be referred to mediation by the municipal judge or the court clerk. In addition, the disputants themselves should be empowered to request mediation where appropriate.*

- *The presence of all disputants should be mandated.*

Mediators

- *Mediators should be graduates of a mandated training program administered by the state. Training should include facilitative skills such as communication, listening, negotiation. Refresher courses should be made available.*
- *Mediators should preferably serve on a volunteer basis. Expenses should be reimbursed.*
- *Mediators should be appointed to a specific term that can be renewed following evaluation of performance.*
- *Mediators should represent a cross-section of the community. Although specific education or occupation is not a requirement, a high school diploma or equivalence should be a minimum.*
- *Persons with a criminal record should be excluded from serving as mediators.*

Standards

- *In order to ensure the accountability and consistency of mediation programs in the state, statistical records would be required of all mediation programs. These reports should be as simple as possible and only collect data that is necessary to ensure that consistent standards and procedures are maintained. Every effort must be made to ensure that confidentiality of participants is maintained.*
- *Statewide standards should be the responsibility of the Administrative Office of the Courts with input from the local community.*
- *Oversight of mediation programs is primarily a state function with input from the local level.*

Administration of Justice Positions Dropped

In 1995, the delegates to Convention dropped the following positions because their goals had been substantially achieved: Municipal Courts (1974) and Bails, Juries, Sentencing (1976). Earlier editions of Study & Action summarize the reasons for dropping the positions.

Education

Statements of Positions and History

Charter Schools – 2000, 2015

The League of Women Voters of New Jersey supports the intent of the charter school legislation to encourage innovation within our public schools. To ensure that the intent of the charter school legislation is fulfilled, the League believes that State Department of Education should:

- *Define what constitutes innovation so that all stakeholders are clear about the rationale for granting a charter.*
- *Develop a process to ensure that when charter schools have demonstrated effective teaching practices, these results are disseminated to all public schools throughout the state.*

To facilitate the sharing of innovative practices and collaboration between charter schools and traditional public schools, charter school applications should include a section on the expected relationships between the two. A community public hearing in the district where a charter school is applying should be a required part of the application process.

Student enrollment in a charter school should reflect the demographics of the district as a whole. Should a district have a court-ordered desegregation plan, that plan must be reflected in the regulations related to student enrollment in a charter school.

Since charter schools are public schools, charter school students should take the same standardized tests as traditional public school students. For charter renewal, the authorizer should require the charter school students to perform to the same standards as those used to evaluate traditional public school students.

The League of Women Voters of New Jersey believes that public schools districts should be protected from arbitrary funding changes. With respect to charter school funding, the League supports full state funding for special needs students in charter schools and preserving the Demonstrably Effective Program Aid (DEPA) to traditional public schools.

The League of Women Voters of New Jersey has a half century history of support for public education:

- *We oppose allowing established private and parochial schools to obtain a charter.*
- *We oppose any charter school that promotes a specific ethnic theme.*
- *We oppose allowing full time virtual charter schools for K through 12 grades.*
- *We oppose allowing educational management organizations (EMO) to establish a charter school.*
- *In those instances where a charter school is managed (as opposed to established) by a non-profit or for-profit educational management organization, we support good governance standards and close monitoring.*

Explanatory Statement

Ensuring the Intent of the Charter School Legislation The charter school law envisions the use of “approaches which may not be available in the traditional public school classroom” as a means of encouraging “the use of different and innovative learning methods.” The basis of the League of Women Voters of New Jersey’s support of charter schools is to encourage innovation within the traditional public schools. While several charter school applications have defined innovative pedagogical models, other applications do not appear to meet this criterion. LWVNJ believes that the State Department of Education must define what constitutes innovation and apply this definition in awarding charters. In addition, we believe that the State Department of Education must assume responsibility for disseminating the results of charter schools’ experiences to all traditional public school districts. Regular dissemination of the lessons learned by charter schools has the potential for benefiting all of New Jersey’s over one million traditional public school students.

Ensuring the accountability of charter schools to the public We believe that pre-charter approval efforts to identify a relationship with the traditional public schools, as well as requiring a public hearing before granting a charter, will be beneficial for both traditional public schools and charter schools. As a public school, charter school enrollment and lottery selection should reflect the community where it is located. We believe that charter schools located within the boundaries of school districts with a desegregation order must live up to the intent of the desegregation plan, since the charter school is another public school located within the school district. Charter schools are public schools, therefore, charter school students should take the same standardized tests and be measured by the same standards as traditional public school students. Charter schools may use additional methods to measure special characteristics of their charter.

Protecting Funding to Local Districts The original Charter School Law requires that districts pay 90% of their per pupil cost for each child who resides within their district and who attends a charter school. These payments are paid in three installments. When a student above the kindergarten grade enters a traditional public school for the first time, the local district does not receive state aid for the student until the subsequent school year. In contrast, the law requires the local district to pay a prorated per pupil cost in its later installment payments to the charter school even if the student had not previously attended a traditional public school within the district. Recognizing that local school districts may not be able to anticipate costs during a student's first year of charter school enrollment, we support state funding in the initial year of a student's enrollment in the charter school.

Current law places additional financial burdens on local districts when charter school students receive a special education classification after enrollment in a charter school. When a student attending a traditional public school receives a special education classification, the local district does not receive additional state aid until the subsequent school year. In contrast, the law requires public school districts to pay the special education rate of reimbursement to the charter school when the local district pays its later installments of per pupil costs to the charter school in the year a student is classified. Requiring local public school districts to make these increased per pupil payments without having received any additional state funding places an enormous burden on local districts. For these reasons, we support state funding of special education students in charter schools.

In districts where students qualifying for free lunches enroll in a charter school, we are concerned that the local district might lose eligibility for additional state funding through Demonstrably Effective Program Aid (DEPA). DEPA funding is available to traditional public schools where 20% of a school's students qualify for free lunch. We recognize that if students qualifying for a free lunch enroll in charter schools, their former public school might lose DEPA funding. We support efforts to hold local school districts "harmless" in these situations.

We are also concerned that the state address current inequities in the funding of charter schools that serve students from several districts, each of which has a different per pupil cost. In these situations, the wealthier districts are subsidizing the charter school at a higher level. We support plans for having the state develop a uniform per pupil cost that each sending district would pay to the charter school. We also support state funding of transportation to charter schools.

Preserving the Public Character of Public Education In keeping with our longstanding commitment to public education, the LWVNJ opposes allowing established private and parochial schools to obtain a charter. We also oppose granting a charter for a school that promotes a specific ethnic theme, since the curriculum in this setting would be alienating to students of different ethnic backgrounds.

Our opposition to full-time K through 12 virtual charter schools refers to schools which deliver all curriculum and instruction via the Internet and electronic communication, with teachers in a remote location and students usually at home. Full-time virtual schools do not refer to supplementing and expanding courses available in a bricks and mortar school with teachers in the classroom.

Educational management organizations are both for-profit and non-profit organizations that contract with the Board of Trustees of a charter school to manage the school. They are responsible for instruction, curriculum, and the hiring and paying of teachers. Close monitoring means that citizens can evaluate the contract; that materials and equipment purchased with public dollars belong to the school and that per pupil payments go to accounts controlled by the Board.

Position History

The New Jersey Charter School Program Act of 1995 became law in 1996. Using our Private School Choice position as well as League principles, we lobbied for the charter school law to require open public meetings, access to records, public accountability and anti-discrimination features. The Act was amended in 2000 to require an evaluation of the program by October 2001. The evaluation recommended the program go forward and

included recommendation for the use of public funds for facility construction, ability for charter schools to incur long-term debt and regulatory relief. Currently, charter schools receive no state funds for facility costs.

The Education Committee reviewed Charter Schools in 2006-2007. The underlying premise of the League's position is that charter schools have the potential for stimulating innovation. Currently there are no systems in place to ensure dissemination of successful innovations; moreover, there is no process to ensure the schools demonstrate effective teaching practices or to share them with other charter schools or district public schools. In 2010 the committee began analysis of the self-reported innovative practices in the individual charter school's annual reports. Factors found in the reports demonstrating innovation were in the areas of themes and defining attributes, choices in use of time, curriculum structure and pedagogical practice. The first release of the School Performance Reports for all district and charter public schools was in January 2013; charter schools no longer provide a separate annual report.

The 2013 LWVNJ convention delegates voted to conduct an update on our position examining issues not addressed in our 2000 consensus. The members did not reach consensus on whether New Jersey law should allow for more than one authorizer of charter schools. There was also no consensus to require input from either the local school board or electorate before granting a charter. A number of revisions and clarifications in the position were made in that update, however, and are reflected in the above statement.

In May 2019 there were 88 approved charter schools operating in 15 of New Jersey's 21 counties. Charter school enrollment was approximately 52,000 students in May 2019, a 30% increase as compared to enrollment at the end of the 2014-2015 school year, when 40,000 students were enrolled in charter schools. During the same period, overall K-12 student population declined slightly, from 1,369,379 (2014-2015) to 1,364,714 (2018-2019).

Private School Choice – 1995, 2007

The League of Women Voters of New Jersey believes that the system of elementary and secondary education must be fiscally and educationally accountable to New Jersey citizens. Therefore, public funds should not be used through vouchers or direct payments, tax credits or other fiscal incentives or equivalent financial instruments to support students attending non-public schools.

Explanatory Statement

The League of Women Voters of New Jersey bases its opposition to public support of private schools on three undesirable consequences: reduction in fiscal accountability, educational accountability and equal educational opportunity.

- *Fiscal Accountability: Control of public tax funds shifts from citizens and government to private boards of trustees and religious groups. These private organizations legally control decisions on spending under a private school choice system. The rights of citizens to attend meetings, influence decisions and examine documents of public bodies will not exist.*
- *Educational Accountability: The state will be unable to enforce state curriculum standards and state requirements on non-public schools.*
- *Equal Educational Opportunity: A school choice program would increase separation of students by socioeconomic status, race/ethnicity and educational achievement. Poorer families are less able to take advantage unless the vouchers are sizable and vary by family income and unless adequate transportation is provided.*

Value of Public Education: The League of Women Voters believes the universal education that public schools provide is essential to a democratic society. A private school voucher system will undermine and weaken public schools by reducing fiscal and human resources and community support. LWVNJ believes that the public school system can provide choice that will serve a far greater number of students and be designed to reduce stratification and segregation.

Position History

The League's position was reached through a process of member concurrence. In 1995, LWVNJ became part of Community Advocates for Education (CAPE), a coalition of organizations opposed to the use of public funds for private school education. The League opposed the Urban Schools Scholarship Act in 2007, which would create tax credits under the Corporation Business Tax for contributions to scholarship organizations. These scholarship organizations would provide students with vouchers to private schools. Similar bills have been introduced in succeeding legislative sessions and pilot voucher programs have been proposed in the budget process. To date voucher legislation has not been enacted nor pilot programs approved.

School District Regionalization – 2007

As long as the constitutional right to equal access to educational opportunities is not abridged, the League of Women Voters believes that the final decision on regionalizing school districts should lie with the citizens in the affected districts.

The League of Women Voters believes in the encouragement of regionalization of schools and services under certain circumstances. In particular, we support the merger of non-operating districts and sending-receiving districts into a regional district, and the merger of limited purpose regional districts (such as K-6, 9-12) into a single K-12 district. We also favor the elimination of small districts (under 500 students).

Such encouragement should be in the form of technical assistance and financial aid by the state, rather than by state mandate. Such aid should be substantial and should continue for an extended period. Independent voluntary sharing of services should also be encouraged as a means of improving efficiency and the quality of education. The restrictive requirement that all constituent districts vote in favor of changing the tax allocation formula should be revised.

The League does not support the formation of countywide school districts.

Explanatory Statement

A serious concern of the League is the quality of the educational program in New Jersey's schools. A school district should not only teach the basic skills, but also provide a breadth of curriculum and special services to meet the varied needs of all its students.

Where a district is too small to provide such a quality education with efficiency and economy, it should consider regionalization.

Initiation of such consideration should come primarily from local school boards or their citizens, secondarily from the county or state. The state should assume the role of facilitator. It should provide leadership, information as to alternatives, technical assistance and financial incentives to regionalize. Sharing of services should be encouraged as a possible alternative to regionalization.

The law provides that the Commissioner of Education has the authority, in extreme cases, to form regional districts without the concurrence of the local districts involved. However, the League feels that the local districts should have the option of choosing between potential benefits and disadvantages of its organizational structure.

Lack of direct citizen participation in the governance of the education of their students in nonoperating and sending districts, the tax inequities inherent in non-operating districts, a possible lack of continuity of education in a non K-12 district, and racial imbalance in the schools are problems of concern to the League. However, it does not feel K-12 regionalization should be mandated for their solution.

There is no League consensus on the desirability of establishing a single intermediate unit to handle shared services. Those in favor see a need to eliminate duplication of services. Those against are fearful of another formalized layer of bureaucracy. There is consensus, however, among those who favor a single unit, that districts should not be required to join the unit, nor to use its services. They should remain free to continue advantageous ad hoc agreements on their own. Any intermediate unit should be initiated, governed and monitored by local districts with State support in its initiation, monitoring and funding of administrative costs.

During the LWVNJ School Regionalization Update Study (2005-2007), the NJ Legislature discussed the formation of countywide school districts and the formation of a demonstration countywide district. Most citizens strongly opposed countywide school districts, and this is also reflected in the consensus. In explaining their opposition, many

pointed to the inadequacy of large urban districts such as Newark and New York City. Some of those opposed to countywide districts also were concerned about upsetting existing cross-county regional relationships.

Since school population and property values change with time, we support legislative amendments to allow for a majority of the constituent districts to change the tax allocation formula in a regional school district. Currently changing a tax formula is virtually impossible, because at least one constituent district will need to agree to pay more school taxes. Regional districts agree to dissolve instead, because only a majority of constituent districts need to agree to dissolution.

The issue of shared services was not studied for this consensus.

Position History

In 1979 the state convention voted “to study the effect of certain management procedures on the efficient operation of the public schools.” The study focused on the issues of regionalization or consolidation of school districts and/or services. In March 1980, consensus was reached. No legislative action regarding regionalization of districts or services took place until 1992.

Delegates to the 1993 LWVNJ convention voted to amend the 1980 position by adding the first paragraph of the position to reflect League principles and LWVUS positions regarding the protection of the constitutional rights as articulated in Social Policy (Equality of Opportunity and Education) and Government (Citizens Rights). Regionalization legislation was signed into law in 1993. Designed to encourage school districts to regionalize, the law changed the basis for allocation of costs among constituent districts to allow the use either of per pupil enrollment, equalized valuation of property, or any combination of the first two factors when agreed upon by vote of citizens in the affected districts.

Regionalization was a major goal of the Whitman administration’s 1995 proposal for improving education and changing the funding system. Despite the enactment of state incentives to regionalize, no districts have combined since the Chathams and Great Meadows Regional districts in the mid 1990s. At that time the Union County Regional High School and the Camden County Regional School dissolved.

The timing of the LWVNJ School Regionalization Update Study (2005-2007) overlapped the NJ Legislature Special Session on Property Tax Reform. The issue of regionalization and consolidation of school districts was studied in the context of reducing local property taxes. P.L. 2007, Chapter 63 gives a county superintendent authority to eliminate non-operating districts. Also, the county superintendent must recommend a plan consolidating non-K-12 school districts to the Commissioner of Education. That effort stalled due to the lack of funding to conduct feasibility studies. As of 2017 only the South Hunterdon Regional district (grades 7-12) and its three elementary sending schools have voted to consolidate.

State Role in Achieving Quality Education – 1993

The League of Women Voters of New Jersey believes that the New Jersey State Board of Education and the New Jersey Department of Education share with school districts the responsibility for achieving a high level of educational outcomes. They should provide support and technical assistance to aid districts in improving curriculum, teaching and learning as well as improving administrative function and efficiency.

Monitoring is an important responsibility of the New Jersey State Board of Education and the New Jersey Department of Education. The processes of monitoring and technical assistance should be mutually supportive. Monitoring must emphasize educational standards and outcomes as well as compliance with laws and regulations. It should be focused and efficient to minimize diversion of time, energy and funds from educational programs.

The New Jersey State Board of Education and the New Jersey Department of Education should set curriculum content standards to assure that all students are exposed to an educational program, which enables them to become effective, productive citizens. The standards set by the state should be broad discipline and content standards rather than detailed curriculum requirements.

LWVNJ supports structural flexibility for school districts that will allow, but not require, site-based management. The state should encourage and assist those districts and schools that choose site-based management as a means of improving outcomes.

Position History

This position was part of 1991 convention vote to study the elements of a “thorough and efficient” education. Issues that are at the heart of the League’s positions on monitoring, curriculum content standards and site-based management were intrinsic elements of the two plans circulating in 1995, a Strategic Plan for Systemic Improvement of Education in New Jersey and the Comprehensive Plan for Educational Improvement and Financing. The League testified in support of the development and implementation of core curriculum standards as essential to assuring programs necessary for equal educational opportunity. The New Jersey Core Curriculum Content Standards were first adopted by the Board of Education in 1996. The standards are revised every 5 years and include benchmarks for student achievement in nine content areas. In 2010 the Board of Education adopted The Common Core State Standards, which define grade-level expectations from kindergarten through high school for what students should know and be able to do in two of the content areas - English language arts and mathematics. In 2015 the Board reassessed Common Core State Standards and in May 2016 adopted new standards (NJ Student Learning Standards).

During 2008-2009, the League presented testimony regarding the Department of Education proposed High School Redesign. The proposal was for statewide alignment of standards and required passing end of course tests to graduate. Our concerns were the lack of sufficient time and resources for a successful implementation, lack of intervention for those students not passing the new exams and anticipation that with high stakes testing, content not tested would receive cursory attention. High School graduation requirements are still under consideration.

In 2018 the League supported proposed legislation to create a civics education curriculum.

Teacher Certification and Professional Development – 1994

The League of Women Voters of New Jersey endorses the continuation of the alternative route to certification provided by New Jersey’s Provisional Teacher Program as a positive approach to attracting a larger, more diverse population to the teaching profession.

However, the League believes the program needs to be improved in design and implementation to assure that alternate route teachers receive substantive training, valid evaluation and appropriate support.

Teacher preparation through the alternate route needs to be strengthened to:

- *assure sufficient pedagogical education prior to assumption of full-time teachings;*
- *insure that alternate route teachers receive the supervision, training and support required by code regulation;*
- *require oversight or monitoring.*

The League believes the state, rather than local school district, should bear the financial costs of teacher preparation for alternate route teachers. This burden is distributed unevenly across districts and falls most heavily on poorer urban districts.

The League of Women Voters of New Jersey believes that New Jersey's system of teacher certification should be changed to include periodic renewal of certification with requirement of continuing professional development. Professional development should be construed broadly to allow for varied types of educational and developmental activities. Individual development should be guided by professional improvement plans devised with input from the professional and the district. Improvement of teaching should be the primary focus of professional development plans.

Educational/developmental requirements for renewal of the teaching certificate should apply to all teachers. The League believes that payment of the cost of continuing professional development and improvement should be shared, with the individual, the district and the state each having some responsibility.

Explanatory Statement

The League believes that high quality teachers are essential to high quality education. Therefore, LWVNJ is concerned with attracting individuals of intellect, talent and commitment to the teaching profession, with superior teacher preparation, and with professional development that will enable people to become effective and inspiring teachers. The Provisional Teacher Program, which provides an alternative route to teacher certification in New Jersey, has proven it can attract a more diverse range of individuals to teaching including more males, minorities, people of higher economic status, and people with experience in other career fields.

The League has serious concerns about the adequacy of teacher preparation prior to full-time teaching as well as indications that the program of supervision, education, training and evaluation required by state regulation is not being carried out. Serious questions are also raised by the uneven distribution of alternate route teachers in school districts statewide, with a very significant percentage being trained and teaching in a small number of poorer urban districts. These relate to possible differences in quality of teaching between districts serving advantaged and disadvantaged students as well as the unequal distribution of the burden of the cost of teacher preparation.

LWVNJ believes it is essential that studies be undertaken which will better identify the strengths and weaknesses of the alternate route teacher preparation program. Specifically, a study should be done which will examine and compare, for the first time, the quality of teaching of novice teachers who are prepared in college programs or through the alternate route.

Teacher preparation through the alternate route must be strengthened and improved to assure that a specified minimum amount of pedagogical education is completed prior to classroom teaching. A system of monitoring and oversight should be instituted which will provide assurance that alternate route teachers are actually receiving the supervision, support, training and evaluation required by code regulation. Not only will this protect the new teacher-in-training but, more importantly, it will protect the thousands of children who are assigned, without choice, to the classrooms of alternate route teachers.

The Provisional Teacher Program has shifted a significant cost for teacher preparation to the local school and district. The state should underwrite the costs of alternate route teacher preparation to school districts, particularly since these are borne disproportionately by a small number of poorer, urban districts.

The purpose of recertification should be to elevate the level of all teachers. Professional development should be a means of improving teaching, not a process for getting rid of tenured teachers. The tenure system should be improved as called for in the LWVNJ's position on this issue. Improvement of teacher evaluation becomes even more important with periodic recertification.

Careful consideration should go into the design of recertification, with attention to the following questions:

- *Does it provide for authentic evaluation?*
- *Will it assure fairness or is it subject to arbitrary decisions and prejudice?*

- *Will it protect academic freedom?*
- *Will it strengthen or undermine teacher professionalism?*
- *Will it assist or hinder efforts for educational reform?*

The system of educational/developmental requirements should be sensitive to differing professional development needs along the continuum from novice to highly experienced teacher.

Position History

A two-year study of teacher preparation, certification and professional development grew out of the 1991 convention vote to study elements of a “thorough and efficient” education which examines approaches to education which will result in optimal learning outcomes for each student. Consensus was reached in two areas studied: the alternative route to teacher certification and periodic renewal of the teaching certificate with a requirement for continuing professional development.

In 1985 the Provisional Teacher Program became law. Requirements for the traditional or “college route” to certification were strengthened and the alternate route to certification was implemented. With the elimination of emergency certificates, districts that had difficulty meeting staffing needs turned to alternate route candidates.

In 1993 districts were required to provide monitoring for new college trained teachers, as well as alternate route teachers. In 2011 the State board of Education created a formal program for alternate route provisional teachers including online learning and nine Saturday sessions.

In 1995 requirements for professional development to retain certification or license were adopted. Revised standards were adopted in 2013, requiring 20 hours of professional development each year. A wide variety of activities in addition to college courses are eligible as professional development. In August 2016 the State Board of Education strengthened requirements for new teachers to include performance and written tests and a minimum grade point average.

Tenure – 1982

The League of Women Voters of New Jersey believes that changes in the present system of tenure are essential. It believes that tenure should be retained for teachers but that modifications to both laws and procedures are necessary. Superintendents and principals should be removed from the coverage of tenure; provisions should be made for them to be covered by multi-year contracts.

The most important modifications needed are those that will strengthen the evaluation process for both probationary and tenured teachers. The League supports measures that will expedite the dismissal process, making it less burdensome and more equitable. It also recommends a re-examination of seniority regulations as they apply to reductions in force.

Explanatory Statement

The League believes that teachers, even today, need protection from capricious dismissal. It perceives the greatest current threats to come from excessively frugal school boards or from groups wishing to limit academic freedom.

The League is greatly concerned, however, that the laws as presently administered afford protection to the mediocre, or even to the poor teachers, along with protecting the excellent. It therefore has focused on the evaluation process as the administrative means by which the tenure laws affect this problem. The League recommends action to make this process more effective: more exacting standards and guidelines for judging teacher performance; more rigorous, thorough or frequent evaluations; and better use of the evaluation process during the probationary period. The League recognizes the importance of capable evaluators. It recommends the consideration of innovative evaluative techniques such as using more than one evaluator, outside evaluators, or peer review.

The League perceives the evaluation process to have two goals - to have a positive impact on the continuing improvement of staff performance, and to provide documentation to substantiate the removal of ineffective teachers.

The time-consuming and costly nature of the present administration of the due process procedures is of great concern to the League. Since the cost of a case depends so heavily on the time consumed, every effort should be made to speed up the dismissal process. The League applauds the early efforts of the Office of Administrative Law, and its more rapid decisions. However, further improvement is still needed. The League recommends tighter overall time schedules and believes consideration should be given to a system

which provides incentives for those individuals or offices responsible for speeding up the process, or penalties for those slowing it down.

The League recommends a re-examination of seniority as it applies to reductions in force, and of the method by which teachers are able to accumulate seniority in fields in which they do not have current expertise.

Teacher preparation and teacher certification are matters of great concern to the League. It looks to more stringent requirements for teacher preparation and certification to help provide an improved teacher pool. The League believes that superintendents and principals should have multi-year contracts rather than tenure because of the management nature of their jobs, and the need for them to be responsive to board policies and directives.

Position History

Information about teacher and administrator tenure was compiled in a 1981 LWFNJ publication, "Tenure in Education." While tenure bills were introduced in every legislative session for more than a decade, it was not until 1991 that Senate and Assembly bills were approved for floor action. Both bills called for the elimination of tenure only for superintendents, but the Senate bill was amended on the floor to include other administrators at the central office level. The League supported both bills, but favored the Senate bill. The bill covering newly hired superintendents became law. LWFNJ continued to support legislation introduced in following sessions to eliminate tenure for administrators, principals, and other supervisory staff, but such legislation has not passed.

The tenure consensus also called for a change in the methodology by which teachers are able to accumulate seniority in fields in which they do not have current expertise. A new tenure law (P.L. 2012 c.26) TEACHNJ was passed in 2012. The evaluation tool to assess teachers is based on student achievement (growth in student test scores and student objectives) and on classroom observation. Implementation began in September 2013.

Fiscal Policy

Statements of Positions and History

Dedication of Taxes 1971, 1984, 1996

The League of Women Voters of New Jersey opposes constitutional dedication of taxes for specific purposes.

Explanatory Statement

In 1997, 38 percent of NJ state tax revenues (\$6 billion of a \$16 billion annual state budget) were constitutionally dedicated to specific programs by six amendments to the NJ Constitution approved between 1969 and 1996. Unless other amendments to the Constitution are approved by the voters to reverse the present dedication, revenues from the dedicated taxes can never be used for any other purpose. This results in a rigid and inflexible tax structure that is incapable of responding to changing conditions and needs. It undermines the accountability of elected legislators to the voters because it deprives them of the power and responsibility to determine how a major portion of state revenues will be spent. A dedicated tax almost never raises a level of funding equal to the specific need. If funds are insufficient, citizens become frustrated and angry when additional funds are required from the state budget. If funds are too great, they can result in a proliferation of programs as happened with the casino gambling funds. Over time, the cost of the added programs increased so greatly they created a heavy demand on the General Fund of non-dedicated revenues. Constitutional dedication provides permanent funding advantage that unfairly favors the most popular programs or those with the support of the most powerful organizations. Dedication reduces the resources available to meet the needs of least powerful citizens and groups regardless of how serious their needs may be.

Constitutional dedication of taxes increases when there are insufficient revenues to fund legitimate state needs because of adverse economic conditions or reductions in state taxes by the administration and legislature. The League is concerned that constitutional dedication is being resorted to more frequently because of reductions in major state tax sources, and that the latest constitutional amendments dedicate revenues to narrower and more specifically defined purposes, making them more rigid and inflexible than the earlier

dedication of lottery revenues (to education and state institutions), casino gambling revenue (to programs for senior citizens and disabled residents), and personal income tax revenues (to reduction of the property tax).

Position History

Over the years it has often been necessary for the League to resolve conflicts between this position and positions in other areas. In 1982 when the state faced fiscal crisis due to a revenue shortfall, the Governor proposed a sales tax on the wholesale price of gasoline, with part of the revenues dedicated to transportation needs. The League, under its national energy position, approved of the tax and its intended use, but not its constitutional dedication, as future needs might change. Again in 1995 the League opposed the adjusted dedication of motor fuel taxes.

The League rarely took a position on dedication of taxes by statute. In 1991 we took no position on the marriage license fee instituted to create revenues for domestic violence programs the League supported.

The 1996 update changed the position to limit League opposition to constitutional dedication. During 1996 the League opposed two proposals for constitutional dedication of taxes: an increase in the cigarette tax to fund school facilities and a dedication of a portion of the Corporation Business Tax for environmental purposes. The League did support the 1998 thirty year constitutional dedication of \$98 million of sales tax revenue for acquisition of one million acres of open space, reasoning that crucial lands needed to be saved while available and a permanent source of funding was necessary to do so.

In 2000 the League opposed the five-year reauthorization of the Transportation Trust Fund Act, which was financed with no new revenue sources but by constitutionally dedicating \$400 million from two existing taxes -- the petroleum products gross receipts tax and the sales tax. This question passed. In 2006 and then again in 2007 the League opposed a half cent and a one cent sales tax increase which was to be constitutionally dedicated to the broadly defined Property Tax Relief Fund. The 2006 question passed, the 2007 question failed. In 2016 the League did not take a stand on the dedication of additional parts of motor fuels tax income to the Transportation Trust Fund.

In many cases the League supports the need, but not the financial measures used. This practice destabilizes the state budget leaving less revenue for general state programs.

Public Education Funding - 1973, 1984, 1997, 2001

The League of Women Voters of New Jersey supports state financial measures to improve and equalize opportunities for public elementary and secondary education, including increased state aid for school facilities required to provide quality education, with special emphasis on meeting the needs where they are the greatest. Funding for the public school system of New Jersey should:

- *Guarantee a “thorough and efficient” level of education to all public school children in the state;*
- *Be distributed so as more nearly to equalize educational opportunities;*
- *Provide adequate support for children with special needs.*

Public school districts should be protected from arbitrary funding changes and should receive timely notification of and a firm commitment to the amount of state aid available to them.

New state requirements of local districts should:

- *Help the districts meet acceptable educational standards;*
- *Include significant state funding for implementation;*
- *Allow adequate time for compliance.*

Explanatory Statement

The League believes that the state must play a major role in school funding in order to provide New Jersey’s constitutionally required “thorough and efficient” education in every school district. New Jersey’s fragmented public education structure produces great disparities in wealth among school districts that result in vast differences in their ability to provide educational programs, services and facilities. Significant state financial support is essential not only to provide equal educational opportunity, but also to insure a quality of education which prepares all public school students to participate fully in economic,

political and social life and enables them to compete with their peers statewide in higher education and the world of work.

State education aid should be provided with such funds equalized. However, equalization need not mean leveling down, and those districts that choose to and have the ability to do so should be permitted to provide additional educational opportunities.

The League is concerned with the high cost of special needs programs. The costs of these programs must be accurately determined and then adequately funded.

The League understands the need for state mandates to provide adequate educational standards but believes such mandates should be used only when necessary to meet desired educational standards. Only those items necessary to ensure an equal opportunity for education in a safe and healthy environment should be mandated. To prevent undue financial burden on school districts, the state should provide an appropriate portion of the funding needed for implementation of a mandate.

State aid for construction, replacement and renovation of facilities needs to be increased to enable local school districts to provide constitutionally required facilities necessary for a safe, healthful, and educationally effective school environment. State facilities aid to individual districts should reflect the age and condition of their schools, enrollment growth or decline, and local ability to pay.

Position History

Convention 2001 voted to merge the 1984 Public School Funding position under Education with the Education Funding (1973, 1997) position under Fiscal Policy. The roots of the League of Women Voters of New Jersey position on education funding extend back to 1946. A 1962 League history states, "Since its inception in 1946, the League has supported a system of state distribution of aid among school districts according to their ability to pay for a 'foundation program' of education, thus increasing the equalization of opportunities for education between richer and poorer districts." The history states that the League will "support state financial measures to improve and equalize opportunities for public elementary and secondary education".

League work on tax policy between 1962 and 1973 educated our members on the disparities in educational opportunity in curriculum, services, and facilities as a result of wide variations in the fiscal capacity of local governments. These disparities in educational opportunity led the League to work for passage of a graduated income tax, to oppose increases in minimum aid and to support the Bateman Incentive-Equalization Law in the late 60s. League supported Governor Cahill's Tax Policy Committee's recommendations for taxes and education; these collapsed when the income tax bill failed.

In 1973 the League joined the first suit to challenge the constitutionality of school funding in New Jersey. In 1973, the NJ Supreme Court found the Incentive-Equalization Law unconstitutional in *Robinson v. Cahill* and ordered the enactment of a new financing system to meet the constitutional requirement of a "thorough and efficient" education for all children. In 1973, with a LWVUS Education Fund grant, the League formed a broad-based coalition to inform citizens of the issues involved in school funding. By 1974, our primary effort shifted to intensive lobbying, both for a new school funding law and a progressive income tax to provide an adequate funding base for education. The League played a major role in the Citizens Coalition for Tax Reform, which had 40 participating organizations. Despite continuing action by the Supreme Court, it was not until 1975 that a new school aid law was passed. Funds to pay for the law were not provided until 1976 after the Supreme Court ordered the closing of all public schools. A virtually flat income tax was approved for school funding and was accompanied by other reforms to reduce local property taxes.

Another legal challenge, *Abbott v. Burke*, was filed in 1981 in response to growing disparities in per pupil expenditures and tax rates. The LWVNJ joined an advisory panel in support of this action, and in 1984 joined the suit as *amicus curiae*. In that same year, members completed another study that confirmed, clarified and expanded the school funding position.

In 1990, nine years after the filing of *Abbott*, the Supreme Court found the 1975 law unconstitutional as it applied to the poorer urban districts and minimum aid to wealthy districts. It mandated a number of state actions including parity in regular education spending between poor urban districts and wealthy suburban districts, elimination of

minimum aid, and provision of additional state aid to meet the needs of disadvantaged students in poor urban districts. The Quality Education Act (QEA), which was under consideration by the legislature, was amended to respond to the decision and passed. LWVNJ supported the bill, despite some shortcomings, because it would better equalize fiscal resources among school districts. In 1991, the League opposed an amended QEA that reduced aid to poorer districts and diverted \$600 million to property tax relief. LWVNJ joined as *amicus curiae* in a challenge to the constitutionality of the amended QEA.

In 1994 the New Jersey Supreme Court found the Quality Education Act unconstitutional and established deadlines for state action to meet its earlier mandates in Abbott II. The state then developed the Comprehensive Educational Improvement and Financing Act (CEIFA), which made major changes to remove features important to the League. It passed mid-December 1996. LWVNJ filed an *amicus curie* brief January 31, 1997 challenging the constitutionality of the law. Our brief focused on the role of school facilities in providing programs necessary for students to achieve the core curriculum content standards. May 14, 1997 the Court found CEIFA unconstitutional as applied to the now 30 special needs districts and ordered specific actions in these districts including implementation of whole-school reform, full-day kindergarten, half-day preschool programs for three and four year olds and the complete cost of correcting infrastructure deficiencies and construction of new facilities. The final decision on May 21, 1998 included a spring 2000 deadline for beginning facility construction.

During 1999 the League opposed consideration of split sessions to relieve classroom crowding and reduce construction needs; called for additional funding in FY 2000 budget for school construction and offered amendments to the draft Facilities Construction and Financing Act. League testimony focused on the failure to provide new revenue sources to pay for the cost of the act. The final bill authorized bonding of \$8.6 billion (\$6 billion in the special needs districts and \$2.6 billion for other districts).

By September 2003 health and safety repairs in the special needs districts were completed, but no new school construction began. By 2006 the \$8.6 billion was committed with less than half the approved new construction in special needs districts completed and a large portion of the funds available for non-Abbott districts going to New Jersey's

wealthiest school districts. Disappointment in the lack of progress, the board called for additional funding, through borrowing, and a surcharge on income tax to repay the debt incurred. We supported the restructuring of the School Construction Corporation; the new agency is the Schools Development Authority. In 2008 the League testified and supported a bill authorizing \$3.9 billion in additional school construction funding which passed. That funding is currently allocated.

The League in 2005 supported providing additional state aid to poor rural districts similar to that provided to the urban Abbott districts. This support was in response to an administrative law judge finding that 17 rural schools did not meet the constitutional standards for a thorough and efficient education. The State Board of Education instructed the Commissioner of Education to propose a remedy. That remedy was delayed until January 2008 when a new funding formula, School Funding Reform Act (SFRA), was passed. The Commissioner ruled that SFRA addressed the rural districts needs.

The League opposed the SFRA, introduced and passed during the lame duck session, due to the speed with which the law was passed and the lack of public information concerning its development and implementation. In May 2009 the Supreme Court ruled that the SFRA met the constitutional requirement to provide all students a “thorough and efficient education.” In the first year of implementation (2009-10) the state allocated \$7.8 billion to K-12 education a 7% increase over 2008-09. However the 2010-11 school year saw cuts of over one billion dollars in funding from the SFRA formula and the formula has not been fully funded since that time. The 2018 budget negotiations included changes to SFRA and a commitment to full funding by 2015.

Tax and Spending Limits—1981

The League of Women Voters of New Jersey supports limits on taxation and expenditures for municipal, county, school and state governments. Such limits should meet the criteria of the League’s fiscal policy positions. These limits should have sufficient revenues for state and local services to meet the needs of New Jersey citizens, reduce our dependence on the property tax, provide government accountability and encourage good fiscal management.

The League also supports limits that encourage a progressive tax system, allow for new or unforeseen services, help reduce disparities in tax rates and services among communities and help equalize the opportunity for public elementary and secondary education in the state. Such limits should promote equitability in services and in taxes, allow for increased services due to population change and not encourage spending or taxing up to the limits. The effect of such tax or spending limits should not be borne unduly by the poor.

Position History

Tax and spending restraints (caps) on municipal, county, school and state budgets were adopted as part of the 1976 tax reform package. The League studied these restraints, reviewed the effect of New Jersey's caps, and examined the experience of other states with budget and tax levy limitations. The consensus was to support caps provided they meet the League's fiscal policy criteria.

In 1981 the LWVNJ fiscal policy director served on the Governor's committee to study the effects of caps. Legislation to extend the caps beyond their scheduled expiration at the end of 1982 incorporated much of the League position and was an attempt to make the caps more equitable and flexible.

Tax and Spending Policy 1971, 1996

The League supports sound fiscal policy which:

- *Creates a balanced, progressive and equitable tax structure;*
- *Reduces dependence on the property tax;*
- *Reduces disparities in tax rates and essential services among communities;*
- *Produces adequate revenue to provide legitimate state services;*
- *Encourages state development that meets the social, economic and environmental needs of New Jersey citizens.*

Explanatory Statement

The League believes that sound fiscal policy for New Jersey should address the issues of adequacy, equity and stability of the tax structure. LWVNJ has long supported changes in the tax structure which would reduce dependence on the property tax and increase the use

of the progressive personal income tax because the overall tax structure in New Jersey is significantly regressive, placing a much greater tax burden on its poorer rather than its richer residents. The League believes that business should pay a fair share of the costs of government, and that different types of business should be taxed equitably. State fiscal policy should be designed to respond to the wide disparities in municipal wealth resulting from a fragmented local government structure. Such disparities result in disproportionate tax rates for similar services and wide variations in the services municipalities are capable of providing.

The League believes that state government has an important role to play in providing state services that meet the needs of New Jersey citizens and businesses that cannot be provided effectively or efficiently by local government or the private sector. State fiscal policy should assure adequate revenues are raised to provide appropriate and justified state services. State tax and spending policies should be designed to:

- *Protect New Jersey's natural resources and habitat for future generations;*
- *Encourage responsible economic development which meets the need for good jobs and a stable tax base; and*
- *Provide a supportive environment for individuals and families.*

Position History

Recognizing the need for adequate revenue to meet the needs of New Jersey citizens, the League has been active in the field of taxation for well over 30 years. Since the early sixties we have supported a state graduated personal income tax as the most equitable way to raise needed revenue. As early as 1964, our efforts were recognized when the Governor used the League's income tax proposal as a model for legislation.

Our 1971 consensus recognized that New Jersey's heavy reliance on property taxes created a regressive tax structure that led to great disparities among communities both in tax rates and services provided. That same year the Governor created a Tax Policy Committee to evaluate the fiscal needs of the state and appointed the state League president as a member. League efforts were finally rewarded in 1976 with the passage of the state's first personal income tax. Since that time the League has worked to increase its progressiveness. In 1985 the legislature created the State and Local Expenditure and

Revenue Policy Commission (SLERP), to review New Jersey's fiscal policies and make recommendations for change in all areas of state and local government finance. The LWVNJ president served on the commission's steering committee, chaired the Local Government Task Force, and co-chaired the subcommittee on education finance. The League was supportive of the Commission's report when issued in 1988. Some of the recommendations have been implemented piecemeal in the years since the report .

During the 1990s the LWVNJ opposed state policies that have reduced state revenues from the income tax and sales tax without reducing programs and costs to keep the state budget in balance. The result of losing these battles is increased state borrowing and increased reliance on property taxes. Since 1992, 40 tax cuts have resulted in an annual loss of about \$3.8 billion in state revenue. The League opposed a number of expensive projects designed with minimal payments in the early years and escalating payments 4-10 years out. Testimony on the budget in 1996 focused on diversion of revenues from dedicated funds and under-funding of the pension plan to balance the budget as unsound fiscal policy. In 1997 the League opposed the pension bond plan to borrow \$2.9 billion to allow the state to avoid annual contributions to the pension fund, thus balancing the current and future state budgets. We opposed a bridge rehabilitation bond act in 1999 and the 2000 reauthorization of the Transportation Trust fund Act because both actions included no new money for increased capital spending for transportation needs.

The consequence of continued limitations on increases in state school and municipal aid has led to annual increases in property taxes and continuing growth of this regressive source of revenue. Our testimony before the 1997 Property Tax Commission called for restructuring of taxes with greater reliance on the income tax, use of a circuit breaker system of property tax relief, and rescinding a number of existing property tax relief programs because of their inherent inequities. The final report released September 1998 did no restructuring, instead offering shared service and regionalization incentives. The following March the League was unsuccessful in defeating a homestead rebate plan with no circuit breaker provisions. In the spring of 2002, with our elected representatives unwilling to reform our tax structure to reduce the reliance on the local property tax, the LWVNJ board voted to support a constitutional convention to reform the system of property taxation. Working in support of a constitutional convention to reform property taxation was

our major focus for 2003- 2006. A special session on property taxation began in August of 2006. The legislature did no restructuring of taxes.

During the budget process for most of the past 10 years the League has called for increasing our revenue stream with new money, rethinking some unfunded or underfunded programs and not relying on borrowing. Borrowing has been the major means of filling budget gaps. The League has consistently opposed borrowing for annual expenses.

Government

Statements of Positions and History

Campaign Finance – 1974, 1987, 2001

The League of Women Voters of New Jersey believes that improved methods of financing political campaigns must be initiated in order to restore citizen trust in our government and its leaders. We further believe any new state legislation should be directed toward:

- making the system open and accountable to the public;
- encouraging and expanding citizen participation in campaigns at all levels;
- providing all serious candidates with equitable time and funding to compete for office;
- eliminating corruption and undue influence by any individual, organizations, business or industry.

To achieve these goals we will work for:

- full disclosure of all campaign contributions and expenditures prior to elections;
- limitations on total contributions from any one source to any one candidate or party, to include goods and services, with stringent restrictions on cash donations;
- limitations on total expenditures while considering special needs or circumstances;
- limiting length of campaigns and reducing their frequency by longer terms of office;
- a combined system of public and private funding to promote small individual contributions, including limited tax credits/deductions and voluntary tax check-off;
- statewide funding and control of election and registration procedures.
- amending the New Jersey Constitution to provide for indirect initiative and referendum limited to campaign finance, lobbying, government ethics and election procedures.

Position History

LWVNJ campaign finance position was one of five positions reached between 1970 and 1979 (the others being Election Reform, Primary Elections, School Elections and Political Parties) to allow the League to testify in key areas proposed in a revised Title 19A first introduced in May 1977. The LWVNJ Board in May 1987 approved dropping two provisions of the original consensus position as having been achieved – one central committee for each candidate and establishment of an independent body to monitor and enforce campaign finance laws. Provision of opportunities on TV and radio for candidates was also dropped at that time. At convention 2001 the delegates added support for indirect initiative and referendum.

In 1979 the League supported extending partial public financing of gubernatorial elections to the primary, legislation that was passed in 1980. Again in December 1988, when public financing for gubernatorial elections was about to expire, the League advocated to save public financing. The final legislation added a provision requiring participation in debates to qualify for public financing. As the election law Enforcement Commission (ELEC) held public hearings on the gubernatorial public financing law in the spring of 2002, the League called for legislation to close four loopholes and to consider an elasticity clause for candidates facing self-financed millionaire candidates, require electronic filing and increase the number of required debates.

In 1993 League supported campaign finance reform measures which increased disclosure requirements, limited total contributions from one source to a candidate and allowed a candidate only one campaign committee. The League was unsuccessful in arguing for lower contribution limits to state and county party committees and legislative leadership committees.

In March 1996 the League again began advocacy on campaign finance reform announcing support for the Clean Elections Act, a series of five bills offering comprehensive reform including public financing of legislative races. This package was developed with other reform groups and legislators. The Clean Elections Act did not advance in the legislature. In January 1997, the League began considering proposals for meaningful reform to include elimination of legislative leadership committees, uniform contribution limits of \$1800 and increased support for the Election Law Enforcement

Commission. In addition we supported indirect initiative and referendum on campaign and ethics related issues. None of the bills received consideration by the legislature. In 1977 we produced a study "Following the Tobacco Money Trail" analyzing the pattern of contributions from tobacco interests and the tobacco related legislation.

In November 1998 the League formed an alliance with Common Cause (Citizens' Army) to begin campaign finance reform initiatives at the municipal level. The coalition agreed on a statewide agenda focusing on four ailments: the absence of campaign spending limits, the pay-to-play practice of awarding government contracts, New Jersey soft money issues and the disengagement of citizens. During 2002-2003 the League focused on pay-to-play legislation, twice getting it passed by the Senate only to fail in the Assembly. The 2003 elections provided media attention to ethics issues and in March 2004 "25 Clean Government Reform Initiatives" were announced by Assembly leaders. The League actively supported five of the initiatives, but opposed the weak pay-to-play bill. We supported a \$100 campaign contribution triggering reporting to ELEC, strengthening of 48 hour reporting requirements, review of ELEC internet site, prohibition of political fundraising on state property and a public financing pilot project (Clean Elections) in two legislative districts in 2005.

Legislation to close one loophole in the pay-to-play law was later achieved as well as legislation allowing county and municipalities to enact stronger pay-to-play laws than the state law. Current New Jersey law prohibits reportable contributions (\$300 in the aggregate) by any business awarded a State contract worth more than \$17,500 or awarded any State redevelopment agreement.

Campaign finance efforts during 2006 and 2007 focused on reauthorization of a Clean Elections Pilot for 2007. We were an active member of a coalition supporting public financing, monitoring and testifying at the Clean Election Commission hearings which evaluated the 2005 pilot and supporting the Commission recommendations. The final 2007 pilot did not accept most Commission recommendations but was supported by the League as a small step forward. We then focused on ensuring the pilot was successful in the three legislative districts, preparing brochures to inform the public, supporting local Leagues in providing the required candidate forums and monitoring and evaluating the pilot. A 2009

Clean Elections bill was introduced in June 2008. In committee hearings the League lobbied to remove the requirement that a single Assembly candidate could not qualify for public financing, but must be a member of a slate. The bill did meet three of our principles—inclusion of primaries, expansion to eight districts and similar treatment for recognized third party candidates who become certified. The bill was never enacted into law and there has been no progress on enacting small donor campaign financing laws in New Jersey.

Independent Commissions and Authorities – 1989

The League of Women Voters of New Jersey believes that public authorities have a useful role to play in the state of New Jersey. The Legislature should create new authorities only when the need for the service or project cannot be satisfied by existing agencies of government. As governmental agencies, authorities need to be held accountable and to be open to public scrutiny. Governmental oversight should reside primarily in the executive branch. There should also be improved coordination in planning between government agencies and authorities and among authorities at all levels.

The enabling legislation should:

- *limit the amount of indebtedness. An authority should be able to exceed this limit only by approval of the legislature or the creating agency;*
- *allow for the dissolution of the authority once its work is completed;*
- *provide the Governor with veto power over state authority minutes;*
- *require public hearings for rate increases.*

The Governor's Authorities Unit should be continued. Executive Orders 147 and 172, dealing with financial oversight and public hearings, should be retained and possibly strengthened.

Membership on the Boards of Directors of the state authorities should include the state Treasurer and appropriate department heads as ex-officio members.

All authority boards should include:

- *a mixture of members with proven expertise and representatives of the public;*
- *a political balance or nonpartisan composition.*

Board members should be required to:

- *undergo training consistent with the nature of their responsibilities;*
- *disclosure business and professional affiliations of their firms;*
- *abide by a uniform and enforceable code of ethics;*
- *abide by the Open Public Meetings Act.*

Position History

The Fiscal Policy, Mass Transportation and Government Committees studied New Jersey's independent commissions and authorities for member consensus to allow action on oversight, accountability and criteria for the creation of new authorities.

Office of Lieutenant Governor – 2005, 2007

The League of Women Voters of New Jersey believes that a separate office of Lieutenant Governor is appropriate to ensure the separation of powers in the event that the Governor vacates office. The League supports the role of Lieutenant Governor if the office has defined responsibilities, is cost effective, provides an opportunity for women and minorities to run for state office, and if the office is not used for political maneuvering. The League strongly disagrees with holding a special midterm election should the Lieutenant Governor succeed to Governor. The office holder should be allowed to serve the remainder of the term.

Explanatory Statement

There is a great need for the State of New Jersey's Constitution to address the separation of powers between the executive and legislative branch when the Governor vacates the office. According to the State Constitution, which was ratified in 1947, when the Governor vacates the office, the Senate President assumes the office of acting Governor while maintaining their power in the legislature. In this situation, the principle of separation of powers is suspended.

This proposed amendment is the first time in our history for voters to have the opportunity to provide for the separation of powers when the Governor vacates the office. The proposed amendment provides for a more predictable and orderly succession than the current system, especially when there is an evenly split senate (which resulted in a co-

governorship for ten days in January 2002). Having a Lieutenant Governor could also make the Governor more efficient by providing more time to focus on strategic issues.

In addition, the League supports the establishment of the office of Lieutenant Governor in order to provide an opportunity for and encouragement to women and minorities to run for state office. The office of Lieutenant Governor will allow individuals who historically have had difficulty obtaining state-wide recognition gain the recognition necessary to be elected to higher political office.

However, the support of the League of Women Voters is given with the fervent hope that the amendment can be refined in the future. Constitutional amendments should be carefully thought out, very precise, and exact regarding purpose and impact. There should be no room for "political interpretation" or "political maneuvering" after the fact to suit a political party or individual's agenda. The League of Women Voters of New Jersey is concerned that this proposed amendment is not well thought out in this regard.

One of the standards of the League of Women Voters is that voters have a clear understanding of what they are voting for. This ballot question does not qualify. First, the ballot question addresses three issues that voters should be allowed to consider separately: a) requiring the acting Governor to resign from the legislature b) establishing the office of Lieutenant Governor and c) holding a midterm election for Governor. Further, the wording of the interpretative statement on the ballot does not completely explain what voters are approving. It does not state that the proposed amendment provides for midterm elections to be held at the next November general election should the Governor resign. The midterm election would disallow the Lieutenant Governor to complete the "four year term" implied in the interpretative statement.

Additionally, the League strongly disagrees with holding a midterm election if the Lieutenant Governor succeeds to the Governor's office. The midterm election diminishes the purpose and meaning of the position and is a misuse of a salary when someone holds an office only so that s/he can apply a legitimate signature to a call for a new election. Since the Lieutenant Governor already ran for a four-year term, it appears to be demeaning to require that s/he run again. In addition, this provision does not provide for the four-year administrative continuity that is one of the benefits of having a Lieutenant Governor. The League does not endorse the extra costs and confusion involved in having a midterm election.

The League has great concern about the vague responsibilities and fiscal impact of the

Lieutenant Governor's office. While the proposed amendment allows the Governor to assign the Lieutenant Governor as head of a State department or agency (except that of Attorney General), the Governor is not required to do so. The League does not want the office of Lieutenant Governor to become another layer of bureaucracy that is a cost to taxpayers. The responsibilities and the fiscal impact of the office need to be better defined for voters, especially in this time of budgetary constraint.

Finally, there is the conception that the amendment gives too much power to political parties. It allows them to determine, without input from the electorate, the Governor's running mate thirty days after the gubernatorial primary. The midterm election provision allows the parties a "second chance" to determine who they want to be their representative in the Governor's office should a succession occur.

Despite these reservations, the League of Women Voters of New Jersey supports the ballot question. The League recognizes that the opportunity to amend the State Constitution to provide for a more orderly plan for gubernatorial succession is unlikely to be re-addressed by the legislature in the near future. The ballot question achieves one of our highest priorities - preserving the principle of a separation of powers.

Position History

At the May 2005 biennium convention the League of Women Voters of New Jersey voted to study gubernatorial succession. A six month deadline was set to allow the League the ability to act on an expected November 2005 ballot question on the issue. A consensus was reached to support the 2005 ballot question. The position was subsequently reworded to remove specific reference to the ballot question. League concerns about the role, cost of the office and procedure for midterm election were part of the original consensus position. We shared those first two concerns with the 2009 gubernatorial candidates.

Structure and Procedures – 1972 (1987)

Members of the League of Women Voters of New Jersey believe that, in order to encourage qualified men and women to run for the Legislature and to enable them to serve more effectively, changes should be made which would stagger legislative terms to provide some continuity to legislative work, while still permitting frequent elections to reflect the most current public thinking about legislative performance. Longer terms for the Assembly

would permit staggered terms in that body as well as the Senate and ease the burden, financial and otherwise, of frequent campaigning.

League members believe that legislators should be elected from single member legislative districts so that citizens would have only one or two legislators to identify and evaluate, and fewer candidates to decide upon at election time. Multi-member districts and combinations of multi-and single-member districts were rejected as too confusing and as giving too much influence to voters in more populous districts as well as submerging minority interests.

Position History

The LWVNJ Board in May 1987 dropped the provision to “require legislators to spend more time on legislative duties with increased salaries contingent upon the additional time” as having been achieved. The League supported legislation in 1981 to create single member assembly districts, however it was not enacted into law. There has been little action on this position since that time.

Voting Rights for Parolees and Probationers – 2009

The League of Women Voters of New Jersey supports restoring voting rights to all parolees and probationers who are U.S. citizens. These individuals are entitled to the full rights of citizenship with regard to voting. The League also thinks that allowing parolees to vote upon their release from prison can be helpful in achieving society’s goal of integrating parolees into society and reducing recidivism. We also think that allowing those on probation to vote while serving their probation helps keep them connected to their communities and less likely to offend again.

The League supports more voter education to all parolees and probationers so that they understand how to exercise their right to vote.

Position History

. Legislation to restore voting rights to felons in prison, on probation or parole was introduced in 2018. We supported the legislation as part of a coalition effort. Legislation to restore voting rights to people on probation or parole was passed and signed into law in late 2019..

Action Using National Positions

Many LWVUS government positions specifically empower Leagues to apply these positions at the state and local levels. Leagues have also been directed to use LWVUS Principles (printed in the forward) as a supplement to other positions when taking action. Knowledge that national positions and principles could be used as a basis for action on the state and local levels was part of the reason why members agreed to drop a number of state government positions in the 1990s.

Congress and the Presidency

The LWVNJ Board has voted specifically to adopt the national position opposing term limits on the state level. In 1993 we testified in opposition to state legislation that would have mandated term limits for the New Jersey Congressional delegation.

Gun Control

LWVNJ members have been active in support of this position since its adoption through concurrence at the 1990 National Convention. In 1991 we supported legislation to ban assault weapons in New Jersey and opposed the attempt to repeal the ban in 1993. In September 1998 LWVNJ joined the PUSH (People United for Safer Handguns) coalition supporting a bill mandating that only personalized handguns could be sold three years after enactment. Success was achieved in December 2002 with the signing of the legislation into law, however implementation is contingent upon at least one manufacturer delivering a model to a wholesale or retail dealer. To date no manufacturer has delivered a model.

Citizen Rights

Citizen's Right to Know/Citizen Participation has been used to advocate for adequate notice of proposed governmental actions, open meetings, and citizen participation in the decision making process. In 1994 LWVNJ used this position and the LWV Principle of efficient, accountable government to oppose the elimination of the state Board and Department of Higher Education.

These principles were also pertinent to our 1994 concurrence opposing private school choice.

In 1999 the League joined an Open Public Records Act (OPRA) coalition to work on legislation expanding access to public records. After lengthy negotiations between legislators and sponsors the act was signed into law in January 2002. Part of the expansion, was the formation of the Government Records Council which can resolve disputes regarding denial to a public record as well as educate custodians and citizens on the law. Also in 2012 an amendment to the Open Public Meetings Act (OPMA) was passed to require time for public comment at all municipal meetings.

A comprehensive update of both OPRA and OPMA was introduced in February 2012. The OPRA update contains changes related to electronic formats, tightening exceptions to the law, expanding public agencies covered, and establishment of a State public finance website. The OPMA update includes minimum requirements for minutes and notices, closed session resolutions and expansion of public agencies covered. The League has testified in support each time the bills have come up since introduction, but they have not passed either house.

Voting Rights

In 1994 LWVNJ provided input to the state on its implementation of the National Voter Registration Act and put pressure on the legislature to pass enabling legislation by the January 1, 1995 deadline. With a grant from LWVEF we participated in the “Wired for Democracy” project in 1995.

In 2003 two sections of our existing election law (Title 19) were rewritten by the New Jersey Law Revision Commission. The League testified in support of the changes at a public hearing but there was no further action on the proposals.

The LWVNJ secured a seat on the advisory New Jersey Planning Committee for the Help America Vote Act (HAVA). We were a member of the NJ Coalition on Implementation of HAVA. The coalition published *Making New Jersey's Votes Count* in March 2004. The League, with our coalition partners, successfully lobbied the Governor to conditionally veto the first HAVA legislation because of expansion of the identification

requirements. In October 2004 an 18 election reform bill package was announced. The League supported eight of the bills, seven of which became law in June 2005. The new and expanded laws related to HAVA provided for a statewide voter registration system, posting of a voter's bill of rights, establishment of a polling place accessibility fund and production of election training materials. Others bills the League supported changed the registration deadline to 21 days before an election, allowed voting by absentee ballot for any reason and expanded the provisional ballot laws.

In 2006 and 2007 we continued to work in coalition on legislation on the verification requirements in the voter registration database and inter-county provisional ballots. Seeing little action in June 2007 the coalition announced six pieces of legislation on election reform—mandatory audit of election machines, inter-county provisional voting, Asian language assistance, verification procedures for voter registration information, training for poll workers and requirements for voter registration agencies. Mandatory audit of election machines was passed, however it is tied to implementation of a verified voter trail on electronic voting machines. The deadline for that implementation was postponed twice and then permanently delayed “due to the State’s critical economic situation and lack of appropriate technology”. There has been progress on poll worker training and preparation of resources as well as language assistance by the Division under its current leadership. Action by the Public Advocate in 2008 led to increased accountability from the voter registration agencies. The League supported a consolidation and simplification of the absentee ballot laws—the Vote By Mail Law of 2008.

We worked on the 2013 LWVUS election reform priorities of secure online voter registration, permanent and portable statewide voter registration, expansion of early voting and improved polling place management. We supported an early voting bill in 2013 which passed both houses and was vetoed by the Governor. June 2015 we supported the Democracy Act which included automatic voter registration, online voter registration, early voting, expansion of access to military and overseas voters, and expansion of language accessibility. It passed both houses but was vetoed by the Governor.

We continue to work on our current voting reform platform which includes automatic voter registration (enacted into law in April 2018), online voter registration

(enacted into law in 2020), in-person early voting, same day voter registration, portable voter registration, and rights restoration for parolees and probationers (enacted into law in 2019). We also supported a small but important reform to the candidate application process – a requirement (enacted into law in the summer of 2018) requiring candidates to provide a campaign email address. This new rule will greatly facilitate contacting candidates for Vote411 and other public-education activities of the League.

The Election Process—Apportionment

Legislative redistricting became a major focus during the 2017-2019 biennium. The League formed a Fair Districts NJ coalition, set up a web site, (www.fairdistrictsnj.org) engaged in numerous public education events and developed a citizen’s apportionment commission piece of legislation. We were unsuccessful finding sponsors for our proposal. We were successful in opposing a competing bill which included drawing legislative districts based on past voter preference. We continue to lead the coalition seeking an improved redistricting process for New Jersey legislative districts.

Constitutional Rights

In 2000 based on Article IX of the New Jersey Constitution, the League challenged the constitutionality of the legislature placing two changes to the New Jersey Constitution in one question for the voters. The question was to constitutionally dedicate two separate taxes for the Transportation Trust Fund Act. The Supreme Court upheld the Appellate Court ruling that a single question may include more than one change to the constitution if the changes achieved a single “overall change.”

In 2002 the LWVNJ filed an *amicus curiae* brief supporting the state’s position in the Stopthedebt court challenge to the constitutionality of the school construction bonds. The brief argued that the New Jersey Supreme Court decisions of 1997 and 1998, which found the state responsible for providing safe, healthful and educationally adequate schools in the Abbott districts, could not be overturned by a public vote. The Supreme

Court upheld our position and said the bonds for school districts other than Abbott districts did not require a public vote, citing two other clauses concerning education in the New Jersey Constitution.

Government Positions Dropped

In 1993, the delegates to Convention dropped Initiative and Referendum (1982), Legislative Vacancies and Salary Payments (1972), Primary Elections and School Elections. Delegates in 1995 dropped Election Reform (1970) and Legislative Procedures (1968). In 1997 our Apportioning Body (1973) and Political Parties (1979) positions were dropped. Interestingly, the Apportionment position was dropped because it was achieved – it called for the bipartisan commission with tiebreaker that was created in New Jersey (and that we now realize could be improved – see the discussion of Fair Districts). Our political party position called for promoting aspects of party function that are outside the scope of government, hence could not be acted on. Earlier editions of Study & Action summarize the reasons for dropping the other positions.

Natural Resources

Statements of Positions and History

Planning for Growth - 2005

The League of Women Voters of New Jersey supports strengthening the role of state and regional organizations in implementing a State Development and Redevelopment Plan in order to preserve natural resources and provide for Smart Growth while still encouraging local input. State and local planning guidelines should be designed to provide certainty and consistency for managing growth. At whatever level of government decisions are made, the League favors mandatory public hearings so as to maximize the citizen's role in the decision making process.

Positions: Goals and Strategies

The LWVNJ supports the following management goals:

- *Open space conservation*
- *Habitat preservation for biodiversity*
- *Agricultural Preservation*
- *Historic Preservation*
- *Provision of low and moderate-income housing consistent with environmental policies*
- *Protection of water quality and quantity*

The LWVNJ supports the following land use management strategies and tools to achieve these goals:

- *Property tax reform*
- *Impact fee legislation*
- *Transportation policy that encourages planned growth*
- *State and regional planning*

- *Transferring and Purchasing Development Rights (TDR/PDR)*
- *Environmentally sound Planned Unit Development and cluster zoning*
- *Development of greenways and stream corridors*

Open Space Conservation *(formerly incorporated in 1974 Land Use Decision Making position)*

The LWVNJ supports granting the state final authority over environmentally critical areas such as wetlands, flood plains and coastal areas. The League also supports a comprehensive state planning policy, establishing goals for adequate energy supply, planning for industrial development, preserving open space and increasing the housing supply. Recognizing the regional nature of many land use decisions, the League favors defining regions on the basis of the problems that must be solved. The LWVNJ supports the following regional land use management plans and their open space conservation goals: Highlands, Pinelands, Meadowlands, Coastal Area (CAFRA) and Delaware River Basin.

Habitat Preservation for Biodiversity

To conserve biodiversity, the League of Women Voters of New Jersey supports the principle of assembling scientific data; protecting adequate land patch sizes; managing for necessary amounts of habitat; reducing the amount of edge between native and man-made land cover; establishing wide riparian buffers; and creating corridors between habitat and human populations. Accordingly, planning for biodiversity protection must be done on both a local and regional basis.

Agriculture *(formerly 1975 Farmland position)*

The League of Women Voters of New Jersey supports the continuation of state measures to preserve farmland for farm use. Prime farmland and woodland are irreplaceable natural resources that will become increasingly valuable with growing world food and water shortages. Open space is vital to preserve clean air and water for New Jersey's future. Farmland and woodland provide open space that is both productive and taxable. The availability of an adequate and sustainable water supply is becoming more problematic in light of competing user demands such as agriculture, limitations in critical water supply areas, and the reduction in recharge due to increased impervious cover. Communities must turn to a range of strategies to cope, including conservation and planned growth solutions.

An effective farmland and woodland preservation plan should be part of a state master plan for land use; it should be a long-range plan to assure its relative permanence; and it should be available throughout the state. Development rights on the land should be the basis for a farm preservation program. League members believe that in continuing farmland preservation programs it is important to balance the need for farmland with New Jersey's need for housing. The League supports sustainable farming in conjunction with conservation of natural resources. Incentives are needed to encourage more productive farming and conservation of natural resources. An ongoing program of research and education is important.

The League supports the continuation of the special property tax assessment for farmland and woodland with recommendations for change to discourage the use of the program as a haven for speculators and developers. Among measures suggested are an increase in the number of years for which "roll back" taxes are required and a revision in the eligibility requirement regarding income. The use of these special assessments as a basis for inheritance taxes would encourage the continuation of families in farming. The League will continue to work for a tax reform program that reduces dependence on the property tax.

Historic Preservation

In any redevelopment of our downtowns and neighborhoods the history of the spaces and buildings should be taken into account. These places can be historic by virtue of their association with important people and events, or because of their architectural significance.

Architectural heritage of our towns and cities must be considered during redevelopment. Streetscapes of houses from a particular time period provide a pleasing visual continuity that contributes to the value of the neighborhood. Some individual buildings are historic for their unique architectural value as important examples of a time or a specific architect. Redevelopment, which involves the razing of historic buildings designated by State and National authorities, should be discouraged. Historic preservation has not only an aesthetic and educational value, but makes an economic contribution by making our downtowns and neighborhoods attractive to businesses and homeowners.

Housing and Zoning (formerly 1971, 1991 position under Social Policy)

The members of the LWVNJ, recognizing the relationship between zoning practices and building codes and the heavy reliance on the local property tax in New Jersey as related to the housing crisis, agree that in order to meet the housing needs of all people of New Jersey, the following is necessary:

- *The state government should establish overall housing goals to meet the housing crisis in New Jersey and provide strong guidelines and leadership for the local communities. The state should provide financial incentives to aid municipalities to meet additional needed services, consistent with sound environmental and transportation policies.*
- *New Jersey's system of taxes must be restructured in order to eliminate the need for fiscal zoning (chasing ratables).*
- *Building codes should be uniform throughout the state in order to lower building costs.*
- *Every municipality must share in the overall responsibility of providing housing for persons of all income levels.*
 - *Municipalities must be required to zone to allow for their fair share of low-income housing.*
 - *Municipalities that zone for industry must be prepared to zone a commensurate amount of land in order that the employees of the industry may reside in that community.*
 - *Municipalities should zone residential land in such a way as to provide a diversity of housing within the community, and every effort should be made to encourage the use of new and innovative approaches to development such as planned unit development and cluster zoning.*
 - *Municipalities should be encouraged to zone residential land in order to take advantage of existing infrastructure, i.e. transportation, sewers, and water supply.*
 - *A higher level of government such as county or region must have power to supersede local zoning codes that do not meet state goals in housing.*

League members will work for community support and understanding of these housing goals and for government measures and policies in New Jersey to implement them. At the same time the League will strive to maintain a physical environment beneficial to life with the emphasis on the relationship of population growth and distribution.

Transportation *(formerly part of a standalone position 1977,1979,1985)*

The League of Women Voters of New Jersey believes that the state should have a transportation system which provides all segments of the population with a minimum level of mobility, contributes to sound land use planning, is consistent with local and regional

development goals, considers energy conservation and environmental protection, and enhances the social and economic welfare of all state residents.

The transportation planning process should:

- *Involve all levels of government, regional planning agencies and the public;*
- *Place a high priority on energy conservation and social and environmental costs and benefits;*
- *Recognize existing housing and employment patterns while discouraging sprawl development;*
- *Incorporate citizen participation in planning, monitoring and evaluating transportation services, with particular emphasis on strengthening county advisory committees;*
- *Develop an ongoing transportation needs assessment program which measures the potential of alternative models;*
- *Develop a system which integrates public and private carriers to benefit the public;*
- *Encourage the use of highway funding for maintenance, safety and environmental concerns, while encouraging mass transit to reduce reliance on the private automobile;*
- *Use zoning and financial incentives to employers and employees to encourage the use of mass transportation and ride sharing;*
- *Allocate funding through Metropolitan Planning Organizations to support projects that are consistent with the goals of a State Development and Redevelopment Plan.*

Water *(formerly separate Natural Resources position 1955, 1958)*

The League of Women Voters of New Jersey supports:

- *Educational and enforcement programs to eliminate both non-point and point source pollution;*
- *Watershed management, including permanent conservation measures to protect both water quality and water quantity for all flora and fauna, including fish and waterfowl;*
- *Stormwater management, including maintenance as required by the NJ Department of Environmental Protection Stormwater Management Rules.*
- *Non-structural approaches to flood damage reduction in all river basins in New*

Jersey. This includes removing as many structures as possible from the flood plain; prevention of future construction in the flood plain; and the use of small local protection works (dikes and dams) only where absolutely necessary;

- *Each state agency responsible for water resource program planning should inform the public of all planned revisions and modifications as they are being developed, so that citizens and their elected representatives have ample time to evaluate and provide input to such plans before they are approved or disapproved.*

HISTORY

Charged by delegates to the May 2003 convention to examine current Natural Resources positions related to planning for growth, the committee proposed reorganization and expansion of previous positions. The reorganization included the following Natural Resources positions: Land Use Decision Making (1974), Farmland (1975), Water (1955), Passaic River (1983). Also incorporated were the Social Policy position on Housing and Zoning (1971, 1991) and part of the Transportation position (1977, 1975, 1985) related to planning. Based on LWWUS positions, Habitat Preservation for Biodiversity and Historic Preservation were included in the reorganized position. The Passaic River position was expanded to include non-structural approaches to flood damage reduction in all river basins in New Jersey, not just the Passaic River basin.

Delegates at 2005 convention accepted the proposed changes. In 2007 the League produce the publication *Smart Growth Action Guide* to help local Leagues utilize the reorganized and updated positions and to tie into the State of New Jersey's smart growth initiatives.

The League supported the State Planning Act, passed in 1985, which created a commission charged with preparing a plan for "growth, development, renewal and conservation" in New Jersey. The League supported the State Development and Redevelopment Plan (State Plan) which was adopted as a standard for communities in making land use decisions in 1992 and updated in 2001. The State Plan's intent is to manage and shape new growth and encourage redevelopment in ways that will revive our cities, preserve our environment, provide affordable housing, rationalize the State's increasing traffic burden and create livable communities.

Land Use and Open Space

The League supported regional land use management plans for areas with contiguous ecosystems and watersheds. The 1979 Pinelands Protection Act led to a comprehensive management plan to preserve and protect the Pinelands National Preserve which the League supported. The League observed the New Jersey Meadowlands Commission, formed in 1969 to address common issues of environmental protection, economic development and solid waste management in the 14 towns in Hudson and Bergen in the Meadowlands district. In 2015 the Commission was merged with the N.J. Sports and Exposition Authority thus limiting its environmental mandate in favor of development. We support the Highlands Council, established in the 2004 Highlands Water Protection and Planning Act, providing regional planning and oversight across the 800,000 acre preservation and planning area.

In 1998 the League supported the 30-year constitutional dedication establishing the Garden State Preservation Trust Act. The Act set aside \$98 million a year for 10 years to acquire farmland, green acres open space and provide for historic preservation. Its goal was to preserve one million acres of open space and farmland across the state. FY 2010-FY2029 debt service on the bonds issued during the first 10 years of the Act are satisfied by the constitutional dedication. By 2014 there was no new money to acquire additional farmland, open space or for historic preservation. Voters in 2015 approved a constitutional amendment that took a current 4% dedication of the corporate business tax to various environmental programs and reallocated that money to include 71% for the preservation of open space, farmland, historic sites and flood prone areas. That dedication will rise to 6% in 2019. The League did not take a position on this constitutional dedication.

The League has opposed new gas and oil pipelines, some of which cut through protected watershed and forests. In recent years there have been a number of pipeline proposals in New Jersey. We have testified, as well as submitted written comments, against the Southern Reliability Link and the South Jersey gas pipelines based on a lack of established need and because a significant portion of both pipelines will go through the preservation area of the Pinelands National Reserve. We have also opposed the

Williams/Transco-NESE pipeline proposal based on the lack of established need and also the fact that it does not comply with NJ DEP regulations.

Habitat Preservation for Biodiversity

In 2008 the League supported legislation to extend a moratorium on the harvest of horseshoe crabs, a unique creature whose eggs provide a vital source of nourishment for migrating birds, as well as a valuable pharmaceutical tool.

Agriculture

Study by League members in early 1975 led to strong support for preservation of the state's farmland for farming. The League supported the original farmland demonstration project in Burlington County, the early Farmland Preservation Bond Acts, and the Agricultural Retention and Development Act. The latter provided the planning and initial funding for a comprehensive program of voluntary and locally controlled agricultural retention in New Jersey.

Housing

In the early 1970's, LWVNJ supplemented the LWVUS housing position with state level study and consensus. Based on these we urged the legislative and executive branches of state government to develop a state housing policy. Their failure to act led LWVNJ to pursue litigation with *amicus curie* roles in suits against exclusionary zoning by municipalities. These cases became part of the Mount Laurel I and II decisions which established the individual's constitutional right to decent affordable housing and the municipalities' constitutional obligations to use their zoning powers to provide an opportunity for such housing.

The League worked for an effective state housing policy and supported legislation that became the Fair Housing Act of 1985 and joined the Alliance for Affordable Housing in 1986. To assist local Leagues in understanding and supporting the Mount Laurel doctrine, LWVNJ published *Affordable Housing in New Jersey: A Guide for Local Leagues* in October 1988. In 1991 as New Jersey's housing crisis deepened, the Social Policy

Committee provided a review and update on needed affordable housing throughout the state.

In 1990, 1991 and 1998, LWVNJ unsuccessfully supported bond issues that would have funded housing programs targeted to community and non-profit production of low and moderate income housing. In 1994, the League opposed legislation and administrative policies limiting temporary rental assistance to a 12-month period.

Addressing the continuing need for affordable housing LWVNJ joined the Campaign to Fix the Housing Rules in 2003 as the Council on Affordable Housing (COAH) issued its third round rules which minimize the need for affordable housing. July 2008 changes to the law, which the League supported, were passed. These included the elimination of future regional contribution agreements, tying affordable housing numbers to new residential and non-residential development in a community and establishment of the NJ Affordable Housing Trust Fund with a new funding source of a 2.5% fee on non-residential development. In March 2009 the Senate passed legislation placing a moratorium on the 2.5% fee and calculating “fair share” numbers resulting from non-residential development. In 2010 the governor proposed abolishing COAH and essentially turning affordable housing needs back to municipalities. The Supreme Court ruled that only the legislature could abolish COAH. With COAH not writing new guidelines, the court in 2015 found that affordable housing providers or builders denied by a municipality now have access to the court for a decision.

Water

The 2003-2005 Planning for Growth study, which resulted in the 2007 Smart Growth Action Guide, recommended reestablishing a LWVNJ water resources position. Water supply, water quality, flood management, drought management, storm water management and wastewater treatment are components of planning for growth. The LWVNJ has worked under the LWVUS 1958 position in support of comprehensive development of water resources, although we had a position in 1955 supporting a state plan for water use and protection of water resources. The LWVNJ supported the Freshwater Wetlands Act and CAFRA. The League also supported the purchase of Sterling Forest as a major watershed recharge area for much of northern New Jersey.

In 1998 the LWVNJ authored a booklet *“What YOU Can Do to Prevent Non-Point Source Pollution.”* The publication was designed to facilitate other watersheds using the information. The stormwater management regulations went into effect in 2004 and were reauthorized in 2010.

Delaware River Basin Issues:

In 2011 LWVNJ and Leagues of Delaware, New York and Pennsylvania wrote to the Delaware River Basin Commission (DRBC) asking them not to approve gas drilling regulations until after the results of an EPA study of the effects of hydraulic fracturing (fracking) on water resources was issued.

With 30% of our drinking water coming from the Delaware basin, our concern was the amount of water needed for the procedure and the potential for contamination of our rivers. We also supported legislation to prohibit the treatment, disposal or processing of fracking waste in New Jersey.

In 2015 LWVNJ and 27 other state Leagues signed testimony on the draft EPA study on the effects of hydrofracking on water resources. The testimony, signed and delivered by LWVUS, stated that the EPA draft fell short of the comprehensive and definitive study Congress funded in 2010. The letter referenced several deficiencies.

In 2015 LWVNJ wrote in opposition to a proposal by Elcon Recycling Services to build a facility for treating hazardous and radioactive waste in Falls Twp, PA. The site is located on wetlands, and one-half mile from the Delaware River. LWVNJ asked for an Environmental Impact Statement.

In January 2017 the LWVNJ joined with the other Delaware Basin states in a letter (of scientific concern) to the governors of our states and DRBC, urging them to continue indefinitely the moratorium on gas drilling and hydraulic fracturing in the Delaware River Basin as a call to action to protect and preserve access to safe drinking water from the Delaware River Basin.

In 2018 we again stated our opposition to all hydrofracking related activities, and we testified and lobbied for legislation that would ban fracking waste in NJ.

In 2019 the LWVs of Delaware, Pennsylvania and New Jersey wrote in opposition to the Elcon Recycling facility (see 2015).

Other Water Initiatives:

In 2014 the League opposed legislation allowing extensive waivers to developers which we believe conflict with the Clean Water and Freshwater Wetlands Acts. The legislation was the result of New Jersey's Red Tape report tasked with promoting business by making laws and rules more flexible.

In 2016 we testified against changes in the DEP's 2015 proposed Flood Hazard Rules, which provided for increased clearing of stream buffers and which we argued, along with other environmental groups, would put people's property and water quality at risk.

Transportation

With the examination of positions related to planning for growth, part of the 1997 Transportation position was moved into the reorganized position statement. The original study of mass transportation begun in 1975 addressed issues pertaining to mobility in relationship to energy, clean air and the urban crisis. At the federal level, the passage of the Inter-Modal Surface Transportation Efficiency Act (ISTEA) of 1991 has affected the way in which transportation projects are planned and funded. Metropolitan Planning Organizations now act as filters and allocate federal funding which may be matched by funds from the NJ Transportation Trust Fund. Their role was added to our original position.

In 2008 the LWVNJ supported the extension of the PATCO line into Gloucester County along existing rail lines through established downtowns. In 2018 LWVNJ supported the Electric School Bus Bill, as well as supported less polluting large vehicles in low income areas which have higher rates of asthma.

Coastal Zone – 2015

The League of Women Voters of New Jersey supports coastal zone planning which considers the best possible outcome for people, the land and the coastal environment.

Position History

The League's position was reached through a process of member concurrence with a position of the LWV of Delaware in 2015 to provide a focal point for our actions on coastal zone issues.

When considering action under this position, the League of Women Voters of New Jersey's Natural Resources committee expressed a commitment to the following principals:

- Protection of ecologically fragile estuaries and coastal land areas;
- Protection of the ecological integrity, renewable natural resources, and beneficial uses of New Jersey's estuaries and ocean water:
- The preservation of the physical, chemical and biological integrity of the coastal ecosystem and maximum protection of public health and the environment;
- Designing environmental safeguards that reflect the interrelationships of air, water and land resources, with emphasis on conservation and high standards of water quality that are appropriate for the intended use;
- Actions to restore and preserve estuaries and coastal areas to assure they function effectively in the long term. Measures could include additional reserves, streamside protection, plantings, removal of invasive species, scientific research, restoration, and response to sea level rise.

The League of Women Voters of New Jersey has been acting to protect our coastal zone under other League positions for decades. We have opposed hard core structural solutions to loss of shoreline, the use of the 'mud dump site' (now part of the Historic Area Reclamation Site – HARS) off Monmouth County for the dumping of NY's garbage,

offshore seismic testing and drilling for oil and gas, and the building of Liquefied Natural Gas (LNG) facilities. We have consistently commented in support of regulations for, and the implementation of, the Coastal Area Facility Review Act (CAFRA) in NJ to protect coastal areas from the impacts of industry and Non-Point Source (NPS) pollution. We support the use of Best Management Practices (BMP's) and zoning to protect and restore the biological functions of our estuaries and coastal environments. See sections on Water and Land Use in LWVNJ and the LWVUS positions as well as the LWVUS position on energy for more information.

Since the adoption of our Coastal Zone Policy in 2015, we have acted to oppose Chemours Company in Salem County in its efforts to treat and discharge fracking wastewater to the Delaware River; efforts to ship LNG down the Delaware River; the proposal by Elcon Recycling Services in Bucks County, PA to build the world's largest hazardous waste incinerator across from Trenton; a massive housing development in Manchester Township that would have polluted the Barnegat Bay; the South Jersey Gas Pipeline to the BL England power plant on the Bay only a few feet above sea level; the Port Ambrose LNG facility off the coast of Monmouth; against fossil fuel extraction and use; draft regulations of the Delaware River Basin Commission (DRBC) that could allow hydrofracking activities in the Delaware River Basin that would negatively impact marine life and drinking water; and the Transco-NESE Project pipeline which is proposed to be laid under Raritan Bay and disturb capped toxic sediment and re-contaminate Raritan Bay, destroy wetlands, and endanger marine life.

Radioactive Waste – 1983

The League of Women Voters of New Jersey advocates that the primary considerations in developing regulations to manage radioactive wastes should be public health and safety. While economic constraints have a role to play, members demand that far greater weight be given to factors that protect the public from the degradation of the environment. It is the opinion of the League that these considerations apply particularly to the locations and management of disposal sites.

Transportation of Low Level and High Level Radioactive Wastes

The League of Women Voters of New Jersey supports strong state regulation, in concert with the federal government, of the transportation of all radioactive wastes. Matters subject to New Jersey state regulation and enforcement should include packaging, vehicle inspection, driver training, routing and in-transit storage. Both local and state authorities

should receive pre-notification of all shipments. The state should bar vehicles that fail to meet these safety standards. These regulations should apply to shipments of military as well as civilian wastes. Taxes and fees raised from generators and shippers of radioactive wastes should be used to provide additional funds for regulatory functions, for the development of emergency procedures, and for the training of local emergency personnel.

Disposal of Low Level Radioactive Waste

In structuring fees for LLRW disposal, the League believes that the fee must balance both environmental protection costs and economic considerations, with greater weight given to protecting the environment. The cost of perpetual care of the disposal site is a matter of great concern to League members. The League believes that the financial burden for perpetual care should be charged to those institutions and industries using the disposal site. However, the League recognizes that, in the long run, the responsibility for perpetual care may eventually have to be assumed by the government.

Disposal of Spent Fuel and High Level Radioactive Waste

The League believes that the treatment of all nuclear wastes should adequately safeguard public health and insure environmental protection. At this time military waste is not required to meet the same standards as civilian radioactive wastes. Under current conditions, we oppose commingling of civilian and military wastes. The League of Women Voters of New Jersey opposes further licensing for construction of nuclear power plants until short term on-site and permanent disposal methods are established. Present plants may continue to operate.

On-Site Storage of Spent Fuel

League members support cooling and temporary (may be long-term, but not final) storage at the reactor site. We oppose permanent storage at reactor sites. However, members want obsolete reactors to be left on-site and permanently entombed.

Ocean Dumping (Dispersal)

League members oppose ocean dumping of nuclear waste. We specifically oppose approval of a permit to dump the Middlesex waste from the Manhattan Project in the ocean.

Anticipated Costs

The League is concerned that many costs which can be anticipated are not being collected from present users of nuclear power. The League believes the customers should bear these costs through increased electric rates. The costs in question are the ultimate disposal of the reactor and the securing of the site, adequate insurance for accidents, and environmentally safe disposal of radioactive wastes.

Position History

The League supported the Major Hazardous Waste Facilities Siting Act of 1981, which called for a rational and public process for the siting of necessary and safe hazardous waste treatment plants in New Jersey based on LWVUS positions.

The League supported regionalizing low level radioactive waste (LLRW) disposal in New Jersey as a means to minimize the number of disposal sites. In 1995 the LWVNJ Education Fund received grants to develop materials to educate communities and citizens on LLRW disposal. A video and handbook were produced to aid communities that want to consider volunteering as a site for LLRW disposal. Two conferences for municipal officials on the siting of a low level radioactive waste site were held in 1995 and 1996. The State was never able to find a community that would volunteer as a site for LLRW disposal and the board responsible for finding a site was dissolved in 2002.

Solid Waste Management – 1986

The League of Women Voters of New Jersey believes that strategies for managing our municipal solid waste stream should be implemented in the following order:

- 1. source reduction;*
- 2. recycling;*
- 3. waste-to-energy;*
- 4. landfill.*

Responsibility for development and implementation of recycling policies and programs should be shared by the state of New Jersey and its counties. Such programs should include mandatory source separation of waste, citizen education, procurement of recycled materials, research and development of new markets for recyclables and research into innovative recycling technologies.

In solid waste siting, the League advocates the development of clearly defined goals and the early designation of a lead agency to implement the plan. Site examination and comparison should be based on environmental, economic and social concerns. There should also be effective use of Solid Waste Advisory Councils, adequate funding for staff and studies and ample opportunity for public participation throughout the process.

Regional approaches to solid waste management, such as interdistrict agreements, should be encouraged.

The League believes that criteria for solid waste facility siting should include considerations for environmentally sensitive areas, site access and traffic impact, abutting residential areas and proximity to schools, hospitals, historic sites and other “sensitive” receptors.

Such facilities should be monitored by the state to ensure that the operating permit conditions are being met. Furthermore, regulations for the protection of air quality must be strictly enforced at waste-to-energy facilities.

Explanatory Statement

The League of Women Voters of New Jersey believes that waste should first be reduced at its source by means of product reuse and redesign and by the changing of consumer buying habits. It should then be recycled wherever possible. Waste that cannot be recycled should be composted or incinerated for volume reduction and for production of marketable products including steam, electricity or compost. The remaining waste, bulky non-combustibles and ash must be landfill in environmentally sound facilities that protect the public health.

In the siting of solid waste facilities in New Jersey, many different procedures can be followed. Counties have, for instance, placed this responsibility in their planning departments, their health departments or in their municipal utility authorities. It is the choice of the freeholder board to designate the lead agency and set the parameters for its operation.

The suitability of sites for solid waste disposal is constrained in many areas by existing environmental regulations, i.e. wetlands, proximity to airports, flood hazard areas. In addition, for waste-to-energy facilities, site access and traffic impact are very significant considerations, while for sanitary landfills, protection of ground and surface water is of major importance. Other concerns include the size of parcel, the compatibility with the existing land use classification of the site and the vicinity, the availability of water and sewer connections and the availability of land for a buffer area. Active farmland should be avoided.

The League also believes that the state's responsibility for monitoring waste-to-energy facilities and sanitary landfills can be shared with the county health departments and host communities. Monitoring data should be available to the public.

Position History

In 1972 national consensus was reached on solid waste management. Establishment of policies and programs to encourage recycling and to reduce generation of solid wastes was encouraged. In 1985-86 the League studied solid waste management problems facing the state and came to consensus on strategies to cope with our increasing disposal problems.

In the 1970s many League members were involved in starting recycling programs in their communities. The state League supported the Solid Waste Management Act of 1975 which called on each county and the Hackensack Meadowlands, as a district to develop a comprehensive program for collection and disposal that would lead to the highest level of resource recovery and environmentally sound waste disposal for the next ten years.

The League supported the 1981 Recycling Act which imposed the nation's first recycling tax. Because of the financial support this tax provided, municipal solid waste recycling rate rose to about 24% in five years. In 1987 the Governor signed the Statewide Mandatory Source Separation and Recycling Act, again with strong League support. The mandatory stipulation and the earlier financial assistance continued to push the municipal recycling rate higher and by 1995 it had reached 45%. In 1996 the recycling tax which provided educational and municipal grants for recycling was allowed to sunset. The recycling rate dropped significantly after the sunset of the recycling tax. Finally in 2008 the Recycling Enhancement Act passed. The Act imposed a recycling tax on solid waste generators. The League also supported the Smart Container Act which requires a deposit on plastic, glass and aluminum other than refillable containers and makes use of bar coding technology to facilitate redemption. The bill had one hearing for discussion only in 2008.

Action Using National Positions

Air Quality

A 1971 national consensus on air quality agreed that control of air pollution is a responsibility shared by all levels of government. Action taken at the state level included support for an automobile inspection program designed to minimize air pollution. The League continues to support the Clean Air Act and revisions to reduce ozone, carbon monoxide, nitrogen oxide and fine particulate levels. In 2007 the League signed on to a letter to the governor urging passage of global warming legislation setting carbon emission reductions for the State. In 2009 an Anti-Idling flyer prepared by the Monmouth County LWV was made available to increase awareness of how small changes in our behavior in our cars can impact global warming and improve public health. We supported New Jersey participation in the Regional Greenhouse Gas initiative (RGGI) and opposed the Governor's 2011 withdrawal of the state from the cap and trade program. We have continued to support efforts by the legislature to re-enroll New Jersey in RGGI. In 2019, Governor Murphy announced NJ was re-enrolling in RGGI.

Energy

Under the LWVUS energy positions, in New Jersey we have supported measures for conservation and the environmentally sound use of energy, limitation on reliance on nuclear fission and assistance for low-income people when energy policies bear unduly upon them.

In 1999-2000 after the electric utility industry deregulation, the League provided public forums encouraging consideration of the environment when choosing an energy provider. In 2001 we worked with other state Leagues in our region on power shortages in the PJM grid. In 2006 we joined other advocates in supporting the Cool Cities Initiative encouraging municipalities to make their local areas green.

The League of Women Voters of New Jersey testified in opposition to the 2011 Energy Master Plan. We also testified in favor of greater reliance on renewal

energy over fossil fuels as well as adopting a life cycle formula for evaluating the true costs of energy production in the 2013 and 2015 Energy Master Plans.

The League is a member of the NJ for Renewable Energy and Efficiency Coalition (NJFREE) which is working to meet the goals of 80% renewable energy use by 2050. Our support for transitioning to renewable energy is the basis for our opposition to a liquefied natural gas facility off the NJ coast. In 2016 we testified in favor of requiring an increasing percentage of electricity generated in New Jersey to be from renewable sources.

The Fukushima-Daiichi nuclear plant meltdown in 2011 led to an effort to ensure that similarly built reactors are retrofitted with radiation filters or shut down. The industry has resisted costly improvements. New Jersey has 2 similarly constructed reactors — Oyster Creek and Hope Creek, Oyster Creek was closed in 2018 and is being decommissioned; Hope Creek is due for closing within three years.

Social Policy

Statements of Positions and History

Housing and Zoning – 1971, 1991

Convention 2005 reorganized this position. It is now found under Natural Resources, Planning for Growth.

Instate Tuition – 2009

The League of Women Voters of New Jersey supports extending instate tuition to unauthorized immigrants who graduate from NJ high schools and are admitted to NJ's public institutions of higher education. In addition, if the state funds private higher education for New Jersey students, the League supports including unauthorized immigrants who would qualify for instate tuition at par in the funding formula for private colleges and universities.

Explanatory Statement

The League position is informed by the 1982 US Supreme Court decision (Plyler v. Doe) which required equal educational access without respect to immigration status through grade 12. The League believes that equal educational access should be extended to New Jersey's unauthorized immigrants by allowing them to qualify for instate tuition at New Jersey's public colleges and universities.

This position is founded on the principles of:

- *Fairness for children who came to this country not on their own but with adults, and*
- *The well documented social benefit of educated individuals in society.*

Several conditions that were explicitly explored with respect to their impact on support for instate tuition were acceptable to League members, but the consensus was that they were not mandatory:

- *Instate tuition should be limited to students who have attended three years of New Jersey's high schools. Note that the support is for some length of attendance, not necessarily for the three years exactly that are required in the 2009 proposed legislation.*
- *Requiring an affidavit that the student was applying for legal status, or would do so when possible, and protecting the full confidentiality of all immigration status records at the colleges.*
- *Other conditions received less support than those above.*

New Jersey now contributes to the Independent College Fund of New Jersey (ICFNJ) which in turn provides funding for private colleges and universities. The League's consensus does not address the details of any specific funding mechanism and does not entail support for public funding as such. Instead, if the state funds private colleges and universities based on New Jersey student enrollment, then we support including New Jersey unauthorized immigrant students in each school's enrollment count, so long as the unauthorized immigrant student would have met the instate tuition criteria set by New Jersey's public colleges or universities.

Position History

The League supported in-state tuition for New Jersey high school graduates who have neither citizenship nor legal immigration status. In-state tuition became the law in December 2013. The League continues to support bills that permit these individuals to qualify for state aid for college tuition. The committee continues to educate members on current immigration issues and to advocate at the national level. In 2016 we supported a bill that would allow state granted scholarships to children who are citizens but whose parents were not born here.

Drivers' Certificates for Undocumented Drivers – 2019

The League of Women Voters of New Jersey believes the State of New Jersey 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 LWVNJ also believes the State of New Jersey should permit and encourage auto insurance providers to issue insurance coverage to holders of such driving certificates.

Position History

Delegates to the 2019 LWV NJ Convention approved the above wording as a concurrence with a LWV of Illinois position.. The Immigration Committee supported the concurrence and hopes to have an opportunity to use the new position in the near future.

Action Using National Positions

Health Care

From 1992-1996 the League worked to enhance the level of understanding and commitment to health care in New Jersey by sponsoring the Capitol Forums on Health and Medical Care. The Forums provided decision makers with nonpartisan balanced analysis and research on key issues and facilitated dialogue among a variety of decision makers about specific issues and problems in closed, off-the-record sessions. Participants include members and staff of the NJ legislature, executive departments and leaders in the health care, insurance and business communities of the state.

In April of 1994, during congressional debate regarding national health care reform, the League played an active role in the Campaign for a Public Voice on Health Care Reform. Our "town meeting" received television coverage that reached over 400,000 NJ citizens and afforded many with the opportunity to actively participate in the development of public policy on this vital issue.

In 1997 the League had a representative on the Hospital Charity Care Advisory Committee charged with proposing new funding sources for hospital charity care. In 1998 the League supported NJKID CARE, a program to provide health insurance for uninsured children whose families met income guidelines.

Meeting Basic Human Needs

This position has been the cornerstone for LWVNJ action regarding income assistance and welfare reform. In the late 1980s LWVNJ advocated that benefits under Aid to Families with Dependent Children (AFDC) and General Assistance (GA) be raised to meet a “standard of need” based on actual living costs. A 1989 NJ Supreme Court decision ordered the Department of Human Services to form a Commission on the Standard of Need which reported in 1990 that “the current levels of public assistance (are) 50 to 65% of the actual costs of basic necessities in New Jersey.”

The League also took part in monitoring enactment and implementation of New Jersey’s welfare reform initiative REACH. We urged that the program assure participating families be no worse off than under existing benefits and provide training and supportive services leading to jobs with incomes sufficient to support a family.

A welfare reform legislative package known as the Family Development Program became law in January of 1992 despite opposition from the League and other groups. LWVNJ opposed parts of the package because it replaced rather than improved the REACH program and because services were provided only as a last resort. The League also objected to the denial of benefits to a child born during a period of eligibility for AFDC.

WORKFIRST NJ replaced previous welfare reform initiative in 1996. The League supported the concept, but again opposed actual legislation unless adequate support services (child care, transportation, job development and placement) were provided. The League opposed the lifetime five-year time limit on public assistance.

The League was an affiliate with the New Jersey Human Needs Coalition in 1996 and a member of STEPS (Solutions to End Poverty Soon) and joined the Anti-Poverty Network in 2001.

During the 215th and 216th legislative session, the League, working with The Time to Care coalition, supported an expansion of New Jersey’s existing paid family leave and

establishment of earned sick leave legislation. Both were finally signed into law—earned sick leave in May 2018 and expansion of paid family leave in February 2019.

Equality of Opportunity

In 2012 the League of Women Voters of New Jersey supported the Marriage Equality and Religious Exemption Act legalizing civil marriage between same gender couples.

Pay Equity

The League worked on equal pay and employment discrimination legislation. A bill was signed into law in April 2018.

Transportation

Statements of Positions and History

Transportation - 1977, 1979, 1985, Rewritten 1986

The League of Women Voters of New Jersey believes that the state should have a transportation system which provides all segments of the population with a minimum level of mobility, contributes to sound land use planning, is consistent with local and regional development goals, considers energy conservation and environmental protection, and enhances the social and economic welfare of all state residents. To achieve these goals we support the use of public monies to subsidize public transportation for both operating and capital costs.

Explanatory Statement

In the interest of an efficient and public-oriented public transportation corporation (NJ Transit), the League supports:

- *A structure that insures accountability through broad representation on the board of directors of N.J. Transit and extensive use of the advisory committees;*
- *A mechanism to regulate routes and fares in the public interest;*
- *Development of a marketing and statewide transit information service;*
- *Planning and coordination of bus and rail routes and schedules;*
- *Continuous monitoring of service with input from the riding public;*
- *Maintenance of clean, safe and efficient facilities;*
- *Development of intra-state transportation systems;*
- *Development of policies and subsidy programs which reward efficiency, encourage accountability and set performance standards;*
- *A more cooperative, integrated public/private system with consideration of a change in the regulatory system to minimize conflict;*

- *Encouragement of flexibility in meeting transportation needs through the coordination of facilities and vehicles.*

In funding transportation, the LWVNJ believes that:

- *All levels of government should participate in the funding of transportation. Since substantial capital costs are provided by federal taxes, we urge a reevaluation of existing federal transportation policies and allocation to give priority to public transit;*
- *A fare box-subsidy ratio should be maintained to encourage maximum ridership and provide mobility for the transit-dependent;*
- *Governmental incentives should be provided to employers and employees to encourage the use of mass transit and ride-sharing, i.e. tax credits, deductions and zoning codes;*
- *Funding for highways should focus primarily on maintenance and rehabilitation, with safety and environmental factors as additional considerations. Public transportation funding should provide for both maintenance and upgrading to increase ridership and decrease the use of the private automobile.*

Position History

Delegates at the 2005 Convention accepted changes to Natural Resource positions to incorporate several standalone positions into a comprehensive Planning for Growth position. Those portions of the Transportation position related to planning are found under Natural Resources Planning for Growth position. Remaining as an independent position are the criteria for a public transportation system and ways of funding such a system.

LWVNJ's original study of mass transportation in 1975 addressed issues pertaining to mobility in relationship to energy, natural resources and our urban crisis. The system as it existed in New Jersey in 1975 was fragmented, uncoordinated, unresponsive and losing riders. The League supported a transportation subsidy and the view that transportation should be considered a public service.

In July 1979, an act establishing the New Jersey Transit Corporation (NJ Transit) was passed. The League supported the creation of an advisory board of citizens for the corporation.

The consensus in 1979 focused on the functions of the newly created corporation.

Women and Family Issues

Statements of Positions and History

Child Care – 1987

The League of Women Voters of New Jersey believes the state should increase its commitment to expand the availability of quality child care services, not only to ensure the health and welfare of our children, but also to provide women with equal access to employment opportunities. The major goal of this commitment should be to increase the supply of available units without jeopardizing the quality of care. The League of Women Voters of New Jersey does not believe that the state should bear sole responsibility for correcting existing inadequacies regarding the care of our children. We believe that parents, employers, federal and local government – indeed, society as a whole – all have a role in providing accessible, affordable quality care.

Explanatory Statement

The League of Women Voters of New Jersey recognizes that demographics have changed dramatically in since the 1970s, resulting in a greater percentage of employed mothers than ever before in our history. While society benefits directly from the economic contribution of working mothers, support for the needs of children has not kept pace with demographic changes. From every measurable parameter, the need for quality, affordable child care is an urgent pressing concern, not only for parents, but also for society as a whole.

We believe the state of New Jersey should work to correct inadequacies on child care by acting as a role model through the provision of increased child care for its employees, by ensuring that all relevant aspects of state planning contain a viable child care component, and by creating legislation and incentives aimed at expanding child care opportunities. The state should increase the amount of funding directed to child care. It should also create and expand incentives for involvement on the part of the private sector. In directing such funding and incentives, consideration should be given to where the need is greatest, but, since the ultimate goal is overall expansion, resources should not be taken from one area to service another. An important corollary to the child care commitment should be

education designed to familiarize parents, employers, potential providers and the general public with the needs and benefits of child care.

The League of Women Voters of New Jersey supports the following measures as appropriate means by which the state can stimulate the expansion of quality child care:

- *Support efforts to improve providers' salaries and qualifications.*
- *Stimulate the development and expansion of employer-sponsored child care options. This may include the use of tax incentives; the subsidizing of centers; education and training programs; guidelines and start-up assistance; mandating space in commercial development; support of voucher systems; and support of flex-time, parental leave, job sharing and cafeteria benefits measures.*
- *Stimulate the development and expansion of before and after school care. This may include assistance in obtaining insurance; subsidies; start-up monies and training; education regarding the availability of pilot programs and other successful operations; assistance in transporting and feeding children.*
- *Strengthen family day care options and networking. The League of Women Voters of New Jersey supports the voluntary registration of family day care homes. Incentives for registration may include comprehensive guidelines for providers; subsidized training programs; assistance in obtaining insurance; and soliciting support from local agencies and employers.*
- *Stimulate the development and expansion of child care to fulfill particular needs: low-and moderate-income families; infants; rural families; sick children; children of teenage mothers.*

The League of Women Voters of New Jersey believes that all state efforts toward the development and expansion of child care programs and options should be predicated on ensuring the safety, health and well-being of our children. At the same time, they should preserve local and parental autonomy. State efforts should be streamlined and should be primarily directed toward providing funding and incentives that will expand the care itself rather than toward setting up administrative procedures to do so.

Position History

As a result of our existing state study and experience in child care advocacy, LWVNJ played an important role in the LWVUS 1988 convention's vote to include child care as an advocacy item under Social Policy.

Action taken on the basis on the position has included extensive networking with other concerned groups and lobbying to implement such measures as grants for school-age child care, the voluntary registration of family day care homes, increases in providers' salaries, parental leave, limitations on local zoning laws which restrict family day care homes, and re-institution of separate Nursery - 3rd and 3rd – 8th grade certification.

Domestic Violence – 1991

The League of Women Voters of New Jersey supports measures that protect victims and survivors of domestic violence through uniform quality law enforcement and human services intervention.

Monitor the efficacy of the law: Promote enhancement of law enforcement and human services measures to protect victims and survivors of domestic violence. Services are based on a continuum of assistance for victims (those in crisis) through survivors (those who are healing). Such measures should be continually assessed and monitored to assure that they provide optimum protection uniformly throughout the state. The goal should be to protect victims and survivors from further violence, and also to prevent psychological, social and economic damage which may impede their ability to heal.

Security: Promote a uniform standard of quality services throughout the state through the administration of justice system. In addition, an educational campaign regarding the prevention of domestic violence as well as rights of victims of domestic violence is needed.

Health and Human Services: Support a system responsive to victims and survivors of domestic violence that adequately meets the special needs of this group. Human services include housing (shelter, transitional, and affordable), child care, alcohol and substance abuse programs, counseling (for batterers as well), emergency medical treatment and other human services. Fund programs and services for domestic violence as line items within the budgets of state agencies.

Education: Focus on K-12 family life education curriculum by encouraging local districts to incorporate domestic violence issues in a developmentally suitable manner. The curriculum content should include domestic violence issues, family conflicts and relationship skills. Support funding for training of teachers.

Position History

LWVNJ has lobbied successfully for passage of a 1991 expanded Prevention of Domestic Violence Act. This advocacy included support for weapons seizure and opposition to victims' signing of a perjury clause. We also supported legislation that made stalking a crime.

Family Life Education – 1982, 2001

The League of Women Voters of New Jersey supports the teaching of comprehensive family life education in the public schools. Family life teachers should be well qualified and provided with in-service training. We support local district curriculum development with citizen input and open two-way communication between schools and parents regarding the program. The right of students to be excused from portions of the course should be preserved. Family life programs should respect diversity of values.

Explanatory Statement

The League of Women Voters of New Jersey supports the teaching of comprehensive family life education in the public schools. Since the teacher is an essential factor in the success of these programs, it is necessary to ensure that family life teachers are well qualified and provided with effective in-service training. We support the concepts of local district curriculum control and citizen input to curriculum development. Schools should provide ongoing communication with parents about the program and should facilitate parental familiarity with curriculum materials.

The law should preserve the right of students to be excused from portions of the course which are in conflict with their religious or moral beliefs. Public school family life courses should respect the diversity of values in the community and should not usurp the parental role of training in values. Since family life education is too often neglected in the home, such school programs may serve the useful purposes of opening up communication within families on pertinent topics and of providing students with information to help them make responsible decisions in these areas.

Position History

Delegates at the 2001 convention amended the position by inserting the word “comprehensive” before “family life education...” This reflects the current wording in the

law. Continuing action under the Family Life Education position has included endorsement of the NJ Campaign to Prevent Unintended Pregnancy and support of the recommendations of the Task Force on Adolescent Pregnancy. LWVNJ has also opposed legislation that would restrict access to education and/or services related to family planning in the public schools.

Legal Status of Women – 1979

The League of Women Voters of New Jersey believes laws should protect the rights of women. We recognize that few women remain in the same category for a lifetime, but may at one or more times be single heads of households, full-time homemakers, or working wives. Laws should reflect these changes in women's lives. Marriage is a partnership and the standard of living appropriate to the total family income should be a mutual decision. The contributions of the homemaker should receive adequate recognition. Pensions should be joint, unless an alternate option is elected with the informed consent of the marriage partner. Also, we have a special concern for the needs of the displaced homemaker in our society.

We, therefore, support the revision of property and inheritance laws in accordance with Uniform Probate Code concepts. In matters of divorce, we support expeditious and less costly divorce procedures, retaining fault grounds as one option, more specific judicial guidelines for the equitable distribution statutes, strengthening laws regarding disclosure of assets, and strengthening the methods for collecting support payments.

To achieve these goals, the League will work for:

- *More specific judicial guidelines in the equitable distribution statutes. These should include recognition of the career seniority benefits lost by a homemaker during the marriage years and her or his resulting diminished economic potential.*
- *Collection of support payments by such methods as better locating procedures, third party enforcement and provisions for garnishing wages, liens on pensions, attachment of assets, and reciprocity with other states to strengthen interstate collection.*

Position History

Preparation for this consensus included exploration of the legal status of single, married, and divorced women in New Jersey as defined by laws affecting property, support, responsibility for children, responsibility for income, recognition of services, head of household, credit, insurance, pensions, Social Security, inheritance taxes, and treatment of women by the courts. It also explored women's legal rights in the dissolution of marriage, including property division, maintenance, child support, child custody, and enforcement of support decrees. A comprehensive LWVNJ publication, "The Legal Status of Women," was issued in April 1978 as a result of this research, updated in 1994 and again in 1999 as the Women's Guide to Rights and Resources in New Jersey. The Guide describes, in lay terms, women's legal rights and the social services available in the areas of health issues, violence against women, discrimination and employment, family issues, basic needs, financial security and immigration and naturalization.

Between 1978 and 1994 LWVNJ lobbied for the creation and subsequent extensions of the Commission on Sex Discrimination in the Statutes. Our 1995 efforts to turn its functions over to a Women's Research and Policy Council were unsuccessful and the Commission was disbanded.

Recent action on the position has been the child support component, concerning the financial resources and location of child support obligors, requiring notification to an employer when a child support order includes health insurance coverage, and permitting driver's and professional license revocation of delinquent child support obligors.

In 1995-96 the League opposed a number of divorce reform measures that diminished the legal rights of custodial parents; more narrowly defined alimony, equitable distribution and child support determinations; and disallowed judicial discretion. The League Vice President served on NJ Supreme Court Advisory Committee on Matrimonial Litigation in 1996 during the time divorce reform legislation was being considered.

Reproductive Rights/Public Policy on Abortion – 1982

The League of Women Voters of New Jersey believes that public policy on abortion in a pluralistic society must respect the right of the individual to make the choice of whether or not to terminate a pregnancy. The government, which has recognized interests in regulating the abortion procedure, should not be involved in the process of that choice.

Public policy should treat abortion basically as a medical procedure to be decided upon by a woman and her physician or other appropriately licensed health care provider. Abortion should be regulated by reasonable health care standards in the interest of the pregnant woman. Although the government has a legitimate interest in protecting potential human life in late pregnancy, it must not be permitted to override the woman's interest in her own life and health.

Current abortion public policy as established in 1973 by Roe v. Wade fulfills League requirements for a desirable and tenable public policy on abortion in a pluralistic society. It takes into account the potentially conflicting interests of the woman's right to privacy, the state's interest in her health, and the protection of potential life. Abortion public policy should remain subject at the national level to court interpretations of the individual rights involved. The League rejects any step backward to pre-1973 standards.

The League strongly rejects any public policy based on the premise that from the moment of conception a fetus should be defined as a person and guaranteed the right to life. In a society of pluralistic values concerning personhood and the permissibility of abortion in given circumstances, public policy must support the freedom of belief and the separation of church and state that would allow differing choices to be made on this issue. Freedom of conscience should be granted to medical personnel who do not wish to participate in the performance of abortions against their convictions.

Public policy should not restrict access to abortion on the basis of income or on such non-medical grounds as spousal or parental notification or consent. "Informed consent" requirements that attempt to impose a given moral view or to infringe on a woman's right to privacy should not be permitted.

The League, acknowledging the painful dilemma posed by the abortion issue, is concerned about the use of abortion as a means of birth control and the performance of late abortions for other than compelling medical reasons. We look to improved contraceptive methods and education in family planning as means to lessen the incidence of abortion.

Explanatory Statement

The United States is a democratic, pluralistic, secular society in which no consensus exists on the morality of abortion. Individuals and groups, including organized religions, hold irreconcilably different views of its moral status and its permissibility in given circumstances. Therefore, the League of Women Voters of New Jersey believes that a desirable and tenable public policy on abortion must respect the right of the individual to make the choice of whether or not to terminate a pregnancy.

We believe that the government, while it has certain recognized interests in regulating the abortion procedure, should not be involved in the process of this choice. This most personal decision must be made according to the woman's conscience and must be protected by her right to privacy, i.e., her right not to have government interfere in that private decision. When pluralism of beliefs prevents any semblance of a social consensus on an issue, as with abortion, the government should not choose one moral position to designate as correct.

The League believes that public policy should treat abortion basically as medical procedure to be decided upon by a woman and her physician or other appropriate licensed health care provider. Since abortion is a procedure currently requiring medical intervention, it should be regulated by reasonable health care standards in the interest of the pregnant woman. However, care must be taken that medical participation in the abortion decision does not restrictively or arbitrarily infringe on the woman's right to privacy in the basic choice of whether or not to continue the pregnancy.

The League also believes that the government has a legitimate interest in protecting potential human life in late pregnancy. However, public policy must not permit government in promoting that interest to override the woman's interest in her own life and health.

Current abortion public policy as established in 1973 by Roe v. Wade takes into account the potentially conflicting interests of the woman's right to privacy, the state's interest in her health, and the protection of potential life. It represents a compromise of interests that allows for individual moral positions both permitting and not permitting abortions. It therefore fulfills League requirements for a desirable and tenable public policy on abortion in a pluralistic society. Abortion public policy should remain subject at the national level to court interpretation of the constitutional rights involved.

The League rejects any step backward in abortion policy to pre-1973 standards. For instance, using criteria such as those in the 1962 American Law Institute Model Panel Code (allowing abortions only when grave physical or mental damage to the mother would otherwise result, when the child might be born with a grave physical or mental defect, or in cases of felonious intercourse such as rape or incest) would infringe on the woman's right to privacy in the abortion decision. Physicians would have to interpret vaguely defined standards for a legal abortion, and delays for medical or legal verification could increase health risks for the woman. Since abortion in all but specific circumstances would be criminal, such a public policy could lead to deception in the application for legal abortions and to perpetuation of the practice of illegal abortions. We believe such a policy is not equitable, since women with money or knowledge of the system would be able to obtain abortions more easily than the poor or uninformed.

The League strongly rejects any public policy based on the premise that from the moment of conception a fetus should be defined as a person and guaranteed the right to life. The moment at which a living human fertilized egg becomes a person is a religious or philosophical concept and cannot be objectively established scientifically or legislatively. In a society of pluralistic views concerning personhood and the permissibility of abortion in given circumstances, public policy must support the freedom of belief and the separation of church and state that would allow differing choices to be made on this issue.

Public policy declaring the fetus a person, a presumption never before made by U.S. law, would deny the woman her right to privacy in the matter of whether or not to bear a child. It would not allow for medical circumstances indicating abortion to be necessary for the woman's health, or for cases of rape or incest. It would precipitate extensive legal complications regarding fetal rights, contraceptive methods, medical procedures, and criminal practices. Even under such a policy, many abortions would still take place; they would, however, be removed from the domain of safe, competent, legal medical practice.

Just as freedom of conscience should be guaranteed to the pregnant woman in the abortion decision, freedom of conscience should be granted to medical personnel who do not wish to participate in the performance of abortions against their convictions.

Public policy should not restrict access to abortion on the basis of income. The League opposes restrictions on Medicaid and other public funding of abortions, because such restrictions clearly discriminate against economically disadvantaged women. We believe that family planning and health care are among the most important supportive services that should be available to participants in income assistance programs. The League also

believes that public policy should not restrict access to abortion on such non-medical grounds as spousal or parental notification or consent. We believe that the constitutional right to privacy of a pregnant female of any age should supersede any other government interest in the abortion decision. We agree that supportive parental involvement in the abortion experience of a pregnant minor is desirable and should be encouraged. However, parental notification should not be mandatory, since there is no guarantee that parental involvement would be in the minor's best interest, and mandatory notification might force the minor outside the legal health system. Counseling and birth control information should be available but not mandatory for women undergoing abortions. Use of non-biased educational materials should be encouraged, but "informed consent" requirements that attempt to impose a given moral view or to infringe on a woman's right to privacy in her personal choice should not be permitted.

The League of Women Voters acknowledges the painful dilemma posed by the abortion issue, especially with reference to the few League members who expressed support for anti-abortion public policy. We are concerned about the use of abortion as a means of birth control and the performance of late abortions for other than compelling medical reasons. We look to research in improved contraceptive methods and education in family planning as means to eventually lessen the incidence of abortion.

Position History

LWVNJ and LWVMA together successfully spearheaded an effort to have the 1982 national convention adopt a process whereby local Leagues across the country would be asked to concur with a summary statement of the two state League positions in defense of the right of privacy of the individual to make reproductive choices. LWVUS adapted material from LWVNJ's publication, *Public Policy on Abortion*, as a basis for the national publication called *Public Policy on Reproductive Choices*. In January 1983, LWVUS adopted a national position affirming the right of privacy in reproductive choices that was based substantially on the work done in New Jersey.

The U.S. Supreme Court's July 1989 decision in *Webster v. Sullivan*, which allowed the states more power to restrict reproductive choices, was the impetus for intense action. We joined CHOICE NJ, a coalition of more than thirty organizations dedicated to preserving reproductive rights in New Jersey. Advocacy included support of measures to maintain client access to clinics, opposition to parental notification of a minor's abortion, opposition to 24 hour informed consent bills and efforts to restrict specific medical

procedures such as intact dilation and extraction (partial birth abortion). The Legislature passed the Partial Birth Abortion Ban Act over the governor's veto in 1998. A federal judge struck down the ban in December 1998 and when appealed was found unconstitutional by the Third Circuit of the U. S. Court of Appeals in 2000. Passage of a parental notification law occurred in May 1999 and was found unconstitutional by the New Jersey Supreme Court in August 2000. In 2015 the League cosponsored the My Health, My Life Legislative Summit in support of family planning and reproductive health. We supported supplemental appropriations for family planning services.

Human Trafficking – 2013

The League of Women Voters of New Jersey opposes all forms of domestic and international human trafficking of adults and children, including sex trafficking and labor trafficking. We consider human trafficking to be a form of modern day slavery and believe that every measure should be taken and every effort should be made - through legislation and changes in public policy - to prevent human trafficking. Prosecution and penalization of traffickers and abusers should be established, and existing laws should be strictly enforced. Extensive essential services for victims should be applied where needed. Education and awareness programs on human trafficking should be established in our communities and in our schools.

Explanatory Statement

Prevention: *The League of Women Voters supports programs and services created to combat human trafficking, including but not limited to: public outreach and awareness programs; services for the homeless, throwaway youth (youth who have been asked, told, or forced to leave home by parents or caregivers with no alternate care arranged), runaways, and other populations at elevated risk for human trafficking; training for law enforcement personnel, prosecutors, and judges; training for medical professionals, adoption agencies, and school personnel; education on internet safety for young people, parents, guardians, and teachers; and public-private partnerships to combat human trafficking.*

We also believe that schools should incorporate age-appropriate information into their curriculum to educate students about human trafficking as a form of modern-day slavery

and to provide them with strategies to protect themselves and others from becoming victims of human trafficking.

Prosecution: *The League of Women Voters supports all effective strategies to use laws, public policies, and the law enforcement system to combat human trafficking, including but not limited to: update laws and public policies that have proven to be, or have the potential to become, successful in combating human trafficking; ensure that prosecuting human traffickers to the fullest extent of the law is a priority within our legal and law enforcement systems; place convicted sex traffickers of children and adults on the National Sex Offender Registry list; enact laws at the appropriate legislative level to shut down businesses that engage in human trafficking; establish appropriate civil and criminal mechanisms for penalizing persons who knowingly buy services provided as a result of human trafficking; provide protection for victims of human trafficking from being prosecuted for prostitution or other activities in which they are forced to engage; and consider all minors engaged in such activities as having been forced into participating in them.*

Protection: *The League of Women Voters believes that all victims of human trafficking should be offered support, counseling, and rehabilitative services as required, including but not limited to: emergency housing; medical services; legal aid; personal counseling and/or therapy; addiction recovery services; education; job training; protection from his/her traffickers before, during, and after prosecution; the ability to sue his/her traffickers for civil damages; and approved guardianship/protective custody for trafficked minors.*

We also believe that appropriate government or private agencies should provide relevant professionals with training to enable them to identify and assist victims of human trafficking. Professionals receiving this training should include, but not be limited to: medical professionals and emergency room staff; legal professionals (lawyers, prosecutors, and law enforcement personnel); educators at all levels of education; and mental health professionals (counselors, therapists, and other personnel).

Gender Inequity in Human Trafficking: *The League of Women Voters believes that although both male and female adults and children are victims of human trafficking, the system of human trafficking includes a statistically and anecdotally significant component of gender-based exploitation and violence against women and girls. Accordingly, we believe that combating discrimination and violence against women and promoting gender equity are essential components of efforts to prevent human trafficking.*

Position History

The League is active in the NJ Coalition Against Human Trafficking which helps publicize the extent of human trafficking in New Jersey and worked with the NJ Attorney General's office on policy for training county and local law enforcement personnel and identifying services needed for victims. We supported the Human Trafficking Prevention, Protection and Treatment Act which was signed into law in May of 2013. New Jersey spearheaded a successful campaign to get delegates to concur with our position at the 2014 LWWUS Convention. The League has three New Jersey members on the UN Working Group on Girls which is also addressing the issue of human trafficking.

Sexual Assaults in the College Community – 2017

The LWWNJ believes that college and university policies, as well as legislative educational programs, should define, prevent, report, and combat inappropriate sexual behaviors broadly defined as “sexual misconduct” as well as criminal behaviors leading to sexual assault and rape against both women and men within the college campus community. Preventive measures should begin early and continue through the college years, address attitudes such as “rape culture”, and ensure that all parties understand the concept and importance of consent (and the implications of alcohol and drugs for it). Education should also ensure that students understand school policies, legal definitions, penalties, and other relevant information. Support, counseling, and legal protection for victims must be provided. Campus administration, in cooperation with local police, should play an active role in preventing and dealing with sexual misconduct.

Explanatory Statement

The LWWNJ believes that college and university policies, as well as legislative educational programs, should define, prevent, report, and combat inappropriate sexual behaviors broadly defined as “sexual misconduct” as well as criminal behaviors leading to sexual assault and rape against both women and men within the college campus community. Failing to do so can lead to an environment destructive to the emotional, physical and mental well-being of all students and can undermine the academic environment of campuses, which should be places of safety and educational attainment.

The League believes both legislation and changes in institutional policies can help prevent campus sexual assault.

The League supports and encourages campus authorities and local law enforcement cooperation in investigating, prosecuting and penalizing abusers in accordance with state law.

Educational Measures

With an understanding of how the prevalence of “rape culture” in American society impacts sexual behaviors on campus communities, the League of Women Voters of New Jersey believes that educational and awareness programs should be established early, with age appropriate programs commencing in middle school and continuing throughout high school and college. These educational programs should include information about the behaviors commonly associated with rape culture and how they may lead to sexual violence, sexual discrimination, and sexual harassment and intimidation. They should also cover additional outright anti-societal and possibly criminal behaviors which include lewdness, stalking, genital exposure, unwelcome sexual contact and advances, as well as the use of social media to advance or demonstrate any of the above sexual misconducts.

Additionally, proposed and properly taught educational measures should include examples and models of healthy relationships; the responsibility of all parties to understand and abide by an appropriate consent policy; and most importantly, that a condition of intoxication or drug influence renders an individual incapable of giving valid consent to sexual activity. League members agree that both partners clearly saying “yes” throughout the sexual encounter is a good indicator of the presence of consent, but we did not reach consensus on the “no means no” standard, since many members would support either standard, if properly used.

Also to be included in educational measures are the criminal definitions, legal protections, possible college ramifications and criminal punishments for sexual assaults and reporting strategies in the community. These educational measures should be ongoing throughout the calendar year through multiple communication mediums, kept up to date and accurate, and encourage the importance of reporting incidents of sexual assault.

Administrative

The League of Women Voters of New Jersey supports Higher Education Administration strategies that would thwart illegal sexual misconduct and sexual assaults on our New Jersey campus communities, including an active partnership/cooperative contract with local police departments and local rape crisis centers to strengthen sexual assault prevention and response programs. Other strategies should include climate surveys, timely and efficient methods of reporting a sexual assault with publicly-displayed notices of these methods, confidential and empathetic interviews, on-call rape crisis counselors and sexual assault nurse examiners, legal representation for all involved parties and publicly stated and enforced college life consequences for alleged perpetrators of sexual assaults.

Position History

The study was approved at Convention 2015. The position was approved in April 2017. The League supported the establishment of Campus Sexual Assault Commission.