



The VOTER

LEAGUE OF WOMEN VOTERS
OF THE PENSACOLA BAY AREA

Volume 58, Issue 7
March 2009

Impact of Retention of 3rd Graders in Escambia & Santa Rosa Public Schools



Saturday, March 21, 2009

Coffee at 9:00 am, 9:30 am program

Institute of Human & Machine Cognition (IHMC)
40 S. Alcaniz St, Pensacola.

Leaders: League Education Committee

The Education Committee of the League of Women Voters will present the results of their two-year study.

Over the years, the LWV Pensacola Bay Area has been involved in several major survey/monitoring projects and has adopted and reached consensus on a number of educational studies. The League is committed to supporting excellence in education for our citizens. During 2004-2006 the League began a study of the impact on Escambia and Santa Rosa County schools of the federal law, No Child Left Behind (NCLB). The resulting consensus added to the positions and led to a new **study of the impact of retention of third graders in the public schools of Escambia and Santa Rosa Counties as effected by the federal legislation, No Child Left Behind.**

Adopted in June of 2007 and re-adopted in May of 2008, the recommended local program will be presented to our members by the Education Committee on March 21st. The Education Committee, Barbara Goggins, chair, Marge Anderson, Nancie Lake, Gene Pettis, Charlotte Schipman and Pam Schwartz, will present the study information to League members and discussion of the consensus statement:

LWVPBA supports longitudinal tracking of student performance to determine whether retention is a viable means of insuring future-student academic success.

Agree Disagree No Consensus

League members to consider study questions on popular vote for US president April 18, 2009.

Several local League members will present the April 18 program on the National Voter Compact (NVP). Following their explanation League members will discuss the consensus questions and attempt to come to consensus on each of them. Leagues throughout the United States are following the same process. Results from many Leagues will be sent to LWVUS, which will then formulate LWVUS positions on the subject. This is grassroots decision making, for which the League is well known.

The Saturday April 18th meeting at the Institute of Human & Machine Cognition (IHMC) will begin at 9:00 am with light refreshments while we talk. »

What is it?

Reaching Member Agreement by Consensus

Before the League can take action on program that has been adopted, members must agree in broad terms on what they think about various aspects of the policy issue.

The technique most often used in the League for reaching member agreement is consensus by group discussion. **It is not a simple majority, nor is it unanimity; rather it is the overall sense of the group as expressed through the exchange of ideas and opinions, whether in a meeting of the full membership or a series of smaller discussion meetings.**

It is essential that members have an opportunity to become informed before being asked to make decisions on the issue under consideration. It is through this process that League members become educated on a given issue, and this is what makes subsequent League action on that issue uniquely credible and respected. During the study phase, members can examine the facts and key pro/con points. They are encouraged to discuss the political realities of action and to contribute ideas for the board to consider when it formulates an action strategy after a position is reached. If the League has a position on a given issue, action can be taken as agreed by the appropriate board. The issue does not need to be studied each time action is thought to be necessary. »

—From *League Basics*, LWVUS

President's Message

Who owns Government?

March 15 - 21 marks *National Sunshine Week* – a yearly event that spotlights the key role open government and freedom of information play in a system “by, of and for the people.”

The Florida Society of Newspaper Editors founded the event in 2002 as ‘Sunshine Sunday,’ after Legislative attempts to pass a series of Public Records Law exemptions.

Sunshine Sunday helped draw attention to the issue – so much so that FSNE estimates some 300 attempts to close off public access to government information failed to pass that year’s legislative session.

But it’s not just news media who have a vested interest in open government.

In fact, when it comes to public records access, Florida law does not recognize any difference between journalists and other citizens.

“Oh, but it’s none of my business,” some nevertheless insist.

To the contrary, by definition, government is everybody’s ‘business’...and each citizen a ‘co-owner.’

Just a few of this area’s ownership concerns include:

- What we’ll pay in property taxes and where those dollars will be spent.
- How we’ll manage incoming growth.
- Whether irreplaceable natural resources will be protected or paved over.
- Whether citizens or private companies control (and profit from) ‘public good’ assets like libraries, beaches, toll roads and even jails.
- How far police and court agencies will be held accountable to “we”, their public employers.
- Who will receive “economic development” grant money, land and other taxpayer-funded incentives, and how those dollars will be spent.

In Florida, public business must be conducted during open hearings – in “The Sunshine,” as opposed to behind closed doors. And citizens have the right to review the public record, at will.

Florida government agencies must provide records, within a reasonable time period to anyone who asks. Employees may not ask what the information is needed for.

Public records offer a paper trail on how official business is conducted...and tax dollars are spent.

Open government is thus a key check we ‘owners’ hold against abuse of executive power. People are less likely to do the wrong thing, if they think they might be exposed.

When government happens behind closed doors, on the other hand, and ‘owners’ aren’t allowed to sit in or review records, it’s hard to keep an eye on the business.

The importance of open government and paper trail records in the Pensacola area has gained new urgency in recent years, with the proliferation of ‘public/private,’ or ‘quasi-government’ agencies.

These include various economic development groups and government-ordered commissions like the Maritime Park Board.

‘Quasi-government’ operates in a grey area that makes it hard to tell exactly who its ‘owners’ are.

Legally structured as private, ‘non-profit’ corporations, “quasi-government” may nevertheless wield a great deal of power and influence over vital aspects of public business.

In Florida, ‘quasi-government’ has been handed oversight of transportation planning, affordable housing, social work, hurricane recovery; “economic development,” and other services...many very well-funded, indeed, by taxpayers.

Such agencies are often staffed with unelected appointees from special interest groups -- like big development

companies and regional electricity monopolies.

Sometimes, a ‘membership fee’ is required to participate in the agency’s decisionmaking processes...even if taxpayers are footing the bill for agency overhead and operations costs.

Despite its official role, quasi-government corporate structure appears tailor-made to circumvent open government laws.

Some such agencies have even claimed they’re exempt from Sunshine Law...conducting unannounced meetings and other forums behind closed doors and refusing public access to records.

Florida law stipulates that agencies which carry out public business must conform to open records statute.

The laws are less clear about “quasi-” meetings in the Sunshine, leaving the door open to lawsuits.

Just last month, League member Sharon Barnett represented two local plaintiffs in a Sunshine lawsuit against the Maritime Park Board. The suit alleges the Park Board refused to take public input during meetings, thus preventing citizen participation in their own public processes.

Also last month, after public complaints, the Governor’s office informed TEAM Santa Rosa, a local economic development agency, that they were required to hold open meetings and provide records when asked.

In both cases, citizen involvement was the catalyst to action.

If left unchecked and ignored, “quasi-government” trends could weaken public ‘ownership’ of government; largely by getting around freedom of information and open meetings laws.

Indeed, well-oiled “quasi-government” arrangements already threaten to allow elected and unelected officials and special interests to set up alternative, ‘members-only’ forms of government:



Continued on page 3...

President's Message Continued.

They offer selected participants (read: lobbyists) a "direct line" to government officials that the general public does not enjoy.

They allow special interests a hand in official decisionmaking...sometimes outside the Sunshine, in closed-door meetings.

Public dollars that go to "quasi-government" may be reclassified as "private" donations once they're deposited in "public/private" bank accounts; thus creating an avenue to "launder" money and spend it, or pass it to unauthorized persons without leaving a paper trail.

Citizens who value free and open government must make it clear that there's no such thing as "quasi-accountability."

You either work for the public or you're a private entity, like every other citizen.

It's up to citizens to ensure that "quasi-government" grey areas do not eventually render some citizens "more equal" than others; and shift open government...and paper trails...and public 'ownership'...towards the shady side of the money tree.

Last year, Governor Charlie Crist set up a special cabinet position to oversee statewide public records compliance and investigate some of the prior administration's seedier 'privatization' programs.

This year, the Governor's office came through with flying colors with their admonishment to TEAM Santa Rosa of their role as public servants. We should all applaud those efforts, and take time to thank the Governor for protecting citizens' ownership of our government.

But we must also take time to reflect on Government in the Sunshine and the challenges we, its current 'owners,' face in keeping it there.

Because if 'We the People' don't keep an eye on the shop floor, 'outsourced' government will be happy to assume that responsibility for us...and the hidden costs along the way could threaten far more than our pocketbooks. »

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Deborah, 449-1746

One of *The Principles*

[*Concepts of government to which the League subscribes.*]

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.



OPENING DOORS:

FINDING THE KEYS TO OPEN GOVERNMENT

You are Invited to Participate in Sunshine Week Event

On Friday, March 20 from 1 - 2:30 PM (ET), the LWVEF will co-host the *4th Annual Sunshine Week National Dialogue*. The event, "Opening Doors: Finding the Keys to Open Government," will be held at the Center for American Progress in Washington, DC, and available via webcast. It will feature panels of experts from inside and outside government, who will discuss federal openness policies and opportunities for people to use government information to make a difference in their communities. Audience members will have opportunities to ask questions of the panelists. For more information, visit www.openthegovernment.org, to register to participate in the webcast. »



Congratulations! Senate on Historic Action

The U.S. Senate is hailed on the historic action passing S. 160, the District of Columbia House Voting Rights Act of 2009, on a strong vote.

"We urge the U.S. House of Representatives to support HR 157, the District of Columbia House Voting Rights Act of 2009 when it comes to the floor next week," said Wilson. "Citizens living in our nation's capital have not been treated fairly for more than 200 years. The League calls on our elected members of Congress to finally correct this injustice."

Movement of the District of Columbia House Voting Rights Act of 2009 through Congress has been stalled. Even though the bill passed the Senate, debate in the House has been postponed. Opponents of DC voting rights are attempting to derail the bill using an amendment that would repeal DC's gun laws.

Contact your Representative [now](#), by phone or by email, and urge him to support the DC House Voting Rights Act and oppose all amendments.

LWVF Education Study - Report

By Terry Coble, 1st VP Program
Planning & Fiscal Policy LWVF

At its January 22-23, 2009 meeting, the Board of Directors of the LWVF voted to recommend to the 2009 Convention that it cancel the Education Study authorized by the 2007 Convention in light of changed circumstances. The board reluctantly recognized that the Education Study is unable to proceed due to lack of resources and because the landscape of public education in Florida has changed significantly since the 2007 Convention voted to study high stakes testing. The situation is as follows:

Since the study was authorized, the administration of Florida's system of testing and retaining public school students and of grading and penalizing low-performance schools has been changing. Although the consequences of high stakes testing, such as third grade mandatory grade level retention and monetary rewards and punishments based on school grades remain in place, the current state fiscal crisis and other factors appear to be softening the over-emphasis on spending for FCAT test preparation and administration.

While the grading of schools based on student FCAT results remains a motivation for administrators and teachers to improve test scores, new legislation requiring physical education and testing of students in science and social studies has obliged schools to provide instruction in these heretofore neglected areas when testing was only done in reading and math. Also, as time goes on, high school graduation rates and drop-out rates linked to the FCAT are becoming more apparent. Possibly as a consequence, the current legislature and new governor are exhibiting some shifts in perspective from that of the Bush administration.

With each new legislative session, Florida's education accountability system is shifting – becoming a moving target and making its study more difficult. »

City of Pensacola Charter Review Commission Update

The Pensacola City Council recently voted to hire a consultant to advise the City Charter Committee, after League members Sharon Barnett and Deborah Nelson urged them to do so at a City Council meeting. Upon its formation, the City Charter Committee was charged by the City Council to use the advice of a consultant appointed by the City Manager. But after the initial consultant resigned, the Committee told the City they did not believe a new consultant would be necessary. A Committee spokesperson told the City the group had access to an academic consultant if required, and suggested the City not replace the departed incumbent. Sharon and Deborah spoke at a February Council meeting and urged the City to adhere to its original program, and hire a consultant to work with the Charter Committee. The Council appears to have agreed – and recently hired a replacement. »

New LWVF lobbyist

Heather Walker, attorney for Wildlaw law firm, has been engaged by LWVF Florida for the 2009 session of the Florida Legislature to lobby on behalf of the League. Heather will be representing the League this session on some of the priority issues and writing and publishing the Capitol Report as disseminated by the LWVF Tallahassee office. She will contact local Leagues for help in communicating with legislators as needed.



Meet our new lobbyist at the LWVF *Legislative Seminar* which provides an opportunity for League members to make personal contact with government leaders. Effective grassroots lobbying begins by building a relationship with elected officials. Leaguers can influence members of our Legislature by talking to them face-to-face in Tallahassee. All League members are encouraged to attend the receptions, workshops and meeting with legislators. If you would like to attend seminar, March 22-24, as a voice for your community and the League of Women Voters of Florida, contact Deborah Nelson, 449-1746 »

League takes part in Women's History Month

Thursday, March 26, 10:30-11:30 am
Museum of Naval Aviation, Pensacola, NAS
"Women Saving the Planet"

Dr. Enid Sisskin will discuss historic female environmentalists and present day activists. Dr. Sisskin received her PhD in Pathobiology from Columbia University, and has been an environmental advocate and activist for more than twenty five years. She has been a member and/or board member of several local, statewide, and regional environmental organizations, such as Gulf Coast Environmental Defense, Florida Conservation Alliance, and Southern Alliance for Clean Energy, and the Climate Change Committee of the LWVF. Dr. Sisskin currently teaches two graduate level courses in the University of West Florida, Master of Public Health program – "Survey of Environmental Problems" and "Environmental Toxicology." In addition, she produces a TV show concerning environmental issues, "It's Not Easy being Green" which is seen on Cox Cable Channel 4.

The League has supported the Federal Women's Program over the years. This year's event does not include a luncheon. League members who are interested in attending the lecture and a have lunch afterwards contact Betty at 438-2842 or bettyenfinger@cox.net. Arrangements will be made to meet at a nearby restaurant. »

National Popular Vote Compact Background Paper

At the 2002 convention, the LWVUS voted to expand and update its 1970 position supporting direct election of the President by popular vote as an essential element of representative government. Coming to concurrence in June 2004, the new position which is highlighted below, takes into account the entire presidential selection process and supports a process that produces the best possible candidates, informed voters and optimum voter participation.

The League of Women Voters of the United States believes that the direct-popular-vote method for electing the President and Vice-President is essential to representative government. The League of Women Voters believes, therefore, that the Electoral College should be abolished. The League also supports uniform voting qualifications and procedures for presidential elections. The League supports changes in the presidential election system – from the candidate selection process to the general election. We support efforts to provide voters with sufficient information about candidates and their positions, public policy issues and the selection process itself. The League supports action to ensure that the media, political parties, candidates, and all levels of government achieve these goals and provide that information.

At the 2008 Convention, delegates voted to adopt a new study, "The Advisability of Using the National Popular Vote Compact among the States as a Method for Electing the President." The League of Women Voters, Pensacola Bay Area (LWVPBA) is currently conducting a study of this issue. During the April 18, 2009 meeting, the LWVPBA will seek consensus on the questions located at the end of this document.

Background on League's Position Regarding the Electoral College

The League strongly believes that the Electoral College should be abolished and not merely "reformed." One "reform" that the League specifically rejects is the voting by electors based on proportional representation in lieu of the present "winner-takes-all" method. Such a system would apportion the electoral votes of a state based on the popular vote in that state. Instead of making the Electoral College more representative, such proportional voting would increase the chance that no candidate would receive a majority in the Electoral College, thereby sending the election of the President to the House of Representatives where each state, regardless of population, would receive only one vote. Election of the President by the House further removes the decision from the people and is

contrary to the "one person, one vote" principle. The League also does not support reform of the Electoral College on a state-by-state basis because the League believes there should be uniformity across the nation in the systems used to elect the President.

The most compelling argument against the Electoral College is that it prevents the direct election of the President by popular vote and is, therefore, contrary to modern principles of representative government. Studies show that more than 70 percent of American citizens favor the election of the President by popular vote. Beyond this basic theoretical objection is the very practical objection that the Electoral College system enables candidates who have not received the most votes cast by American voters to become President. We have seen such an outcome four times in our history.

The National Popular Vote (NPV) Compact Proposal

Many different proposals to alter the presidential election process by amending the Constitution, including direct nation-wide election by the people, have been offered over the years. None have been passed by Congress and sent to the States for ratification. Under the most common method for amending the Constitution, an amendment must be proposed by a two-thirds majority in both houses of Congress and ratified by the legislatures in three-fourths of the states. The NPV Compact proposal offers a method of achieving the result of election of the President by popular vote without amending the Constitution to eliminate the Electoral College. Instead, this method uses the Electoral College to ensure that the candidate who receives the most popular votes is elected President of the United States.

Under the proposed legislation to enact the NPV Compact, all of a state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. The bill would take effect only when enacted, in identical form, by states possessing a majority of the electoral votes—that is, enough electoral votes to elect a President (270 of 538)

The NPV Compact proposal is predicated upon the portion of the United States Constitution which states: "Each State shall appoint, in such Manner as the **Legislature thereof may direct**, a Number of Electors..." (*Article II, Section 1, Clause 2*) (emphasis added)

The constitutional wording, "as the Legislature thereof may direct," contains no restriction on the states' exercise of their power with respect to their electors. The U.S. Supreme Court has repeatedly characterized the authority of the states over the manner of awarding their electoral votes as "plenary" and "exclusive."

Continued on page 5... NPV Paper

NPV Background Paper

Continued from page 4.

Therefore, the states have the right to decide how to select their electors and award their electoral votes. Thus, proponents of the NPV Compact claim that the U.S. Constitution need not be changed in order to implement nationwide NPV. Rather, they maintain, this change can be accomplished in the same way that the current system evolved—namely, the states will use their exclusive and plenary power to decide the manner of awarding their electoral votes. NPV Compact backers, however, have decided to seek congressional consent.

Under the state legislation proposed to establish the NPV, the popular vote counts from all 50 states and the District of Columbia would be added together to obtain a national grand total for each presidential candidate. Then, state elections officials in all states participating in the plan would award their electoral votes to the presidential candidate who receives the largest number of popular votes in all 50 states and the District of Columbia. The NPV Compact plan would take effect only when it has been enacted by states collectively possessing a majority of the electoral votes. The 270-vote threshold also corresponds essentially to states representing a majority

of the people of the United States. As a result, every vote in all 50 states and the District of Columbia would be equally important in presidential elections.

The compact contains a six-month blackout period during which no state can withdraw from the compact. The blackout period starts on July 20 of each presidential election year and runs through the January 20 inauguration. Interstate compacts are contracts. It is settled compact law and settled constitutional law that withdrawal restrictions—very common in interstate compacts—are enforceable because the U.S. Constitution prohibits a state from impairing any obligation of contract. The legislation contains other procedural provisions that would ensure the smooth functioning of the agreement.

As of September 1, 2008, the legislation necessary to activate the compact has been signed into law in four states: Maryland, New Jersey, Hawaii and Illinois, for a total of 50 of the 270 electoral votes required to activate the NPV Compact. NPV Compact bills have been introduced in 15 other states, where some have passed committee and others have passed one house. »

Consensus Questions Amending the Constitution

1. Which statement best reflects the consensus of the group? Select one.

- A. Action to alter a basic element of the Constitutional framework, which is achievable by amendment to the Constitution, should be accomplished by amendment to the Constitution.
- B. Action by states through a compact process is an acceptable way to alter the method for electing the President and Vice-President.
- C. The group could not reach consensus.

2. Which statement best reflects the consensus of the group? Select one.

- A. Because a compact has never before been used to address a fundamental constitutional issue such as voting, the chance that it might set a precedent for the future leads to the conclusion that it is better that the League continue to work for an amendment to the Constitution to establish the direct popular election of the President and the abolition of the Electoral College.
- B. Despite the novelty of the use of the compact approach to address a fundamental constitutional issue such as voting, the League should support the NPV Compact as a way of achieving an important goal.
- C. The group could not reach consensus.

Congressional Consent

3. Which statement best reflects the consensus of the group? Select one.

- A. The possibility that the NPV Compact will require congressional consent is not of sufficient concern to block the implementation of the plan.
- B. The possibility that the NPV Compact will require congressional consent is sufficient to conclude that the plan should not be implemented without obtaining such consent.
- C. The group could not reach consensus.

Enforcement

4. Which statement best reflects the consensus of the group? Select one.

- A. The NPV Compact contains sufficient enforcement provisions to assure smooth operation of the plan.
- B. Although it is not possible to determine whether the enforcement provisions will be sufficient to assure smooth operation of the plan, the plan should be passed anyway.
- C. Enforcement of the plan is likely to add uncertainty and bring the courts into the presidential election in ways that raise substantial concerns.
- D. The lack of adequate enforcement provisions is sufficient to conclude that the NPV is not a viable plan.
- E. The group could not reach consensus.

Uniformity**5. Which statement best reflects the consensus of the group? Select one.**

- The uniformity of voting systems is more important to American democracy than the possibility that the NPV Compact can be adopted.
- The NPV Compact is more important than uniformity of voting systems because it would succeed in achieving the popular election of the President.
- The group could not reach consensus.

Popular Election of the President**6. Which statement best reflects the consensus of the group? Select one.**

- It is more important to achieve the goal of national popular election of the President than it is to achieve the goal of abolition of the electoral college.
- It is more important to amend the Constitution to abolish the Electoral College than it is to achieve the goal of popular election of the President by alternative methods, such as the NPV Compact.
- The group could not reach consensus.

Achievability**7. Which statements reflect the views of the group?**

- The NPV Compact will have problems being passed because of the need for congressional consideration and the need for action by so many states.
Agree Disagree No Consensus
- A constitutional amendment to establish the direct popular election of the President and the abolition of the Electoral College will continue to have problems being passed.
Agree Disagree No Consensus

Additional information about the NPV Compact Study, including pros/cons and links to additional resources (such as the text of the NPV Compact), can be found at www.lwvpba.org.

Welcome New Member!**Virginia Bright**

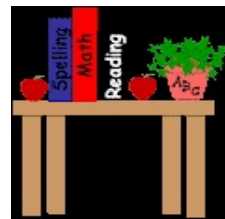
3267 Creighton Road, 32504.

Phone 572-8886, email bright.libby@gmail.com

A contribution in memory of Dr. Charles (Chuck) Thomas, husband of Dr. Rosemary Hays-Thomas, has been received from Sherlee Aronson. Contributions in memory of Marjorie M. Hart have been received from Sallie Brown and Chris Hart for the MM Hart Memorial Fund.

Calendar**March**

- Tuesday, 5:30 pm **Board Meeting** at Tryon Branch Library, 9th Ave. Members are welcome.
- Thursday, 4:00 pm, Education Committee meeting at Azalea Trace, third floor card room. Contact Barbara Goggins for information 478-2953.
- Monday, 10 am **International Relations Committee**. Azalea Trace, Forthcoming **Great Decisions** discussion leader, "Afghanistan and Pakistan". Newfound hopes for stability in Iraq have shifted the U.S. military focus back to Afghanistan and Pakistan, one of the most volatile border regions in the world. What impact will this renewed interest have on the two states as well as on U.S. defense strategy? Contact Gene Feicht at 479-3352
- Tuesday, 5:30 pm **Natural Resources/Growth Management Committee** meeting at Caldwell and Associates Architects Inc.; contact Mary Gutierrez, gutmry@cox.net

General Meeting**Saturday, March 21, 2009**9:00 am coffee, 9:30 am program
Institute of Human & Machine
Cognition (IHMC)

***Impact of Retention of
3rd Graders in
Escambia & Santa Rosa
Public Schools***

Leaders: Education Committee

- Thursday 10:30 -11:30 am **Women's History Month Observance** at the Museum of Naval Aviation, Contact Betty Enfinger, 438-2842 for reservations.
- Thursday 11:30 am **Social Policy Committee** meeting at the Taste of India, Romada Inn, Scenic Highway, for a discussion on domestic violence. Contact Dr. Paula Montgomery, 438-8891 for details.

April

- Tuesday, 5:30 pm **Board Meeting** at Tryon Branch Library, 9th Ave. Members are welcome.
- Saturday 9:00 am coffee and **General Meeting** open to the public. *National Popular Vote Compact* study presentation with light refreshments during discussion and consensus at IHMC. For information, contact Kathy Kerr 281-3836.

Join the League of Women Voters today!

It's easy! Just send your check to:

League of Women Voters, P O Box 2023,
Pensacola FL, 32513

\$50 Individual membership ● + \$25 each additional household member ● \$25 student membership
Here's my extra contribution to the League \$ _____

My contribution to the Lobby Fund Challenge \$ _____
 I'm renewing my membership

Name(s) _____

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The Voter

Volume 58 issue 7

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Editor: Vivian Faircloth

Proofreader: Miriam Jennings

Distribution: Doris Lea

Published by the League of Women Voters of Pensacola Bay Area approximately 9 times a year.

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**Our Purpose:
To Promote Political
Responsibility Through
Informed and Active
Participation of Citizens in
Government**



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