



PROS & CONS

STATE BALLOT MEASURES

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Special Statewide Election, November 8, 2005

PROPOSITION

73

Waiting Period and Parental Notification Before Termination of Minor's Pregnancy.

Initiative Constitutional Amendment.

THE QUESTION

Should the California Constitution be amended to require that the parent or legal guardian of an unemancipated, pregnant minor be notified at least 48 hours before an abortion is performed on the minor?

THE SITUATION

State law allows minors to receive the same type of medical care for a pregnancy as an adult would receive. In 1987, the Legislature amended this law to require that minors obtain the consent of a parent or the court before obtaining an abortion. Due to legal challenges, the law was never implemented and the California Supreme Court struck it down in 1997.

THE PROPOSAL

Proposition 73 amends the California Constitution to prohibit an abortion on an uneman-

ipated minor until 48 hours after a physician notifies the minor's parent or legal guardian, except in a medical emergency or with a parental waiver. A judicial waiver of notice, based on clear and convincing evidence of the minor's maturity or minor's best interests is permitted. Physicians must report abortions performed on minors and the state shall compile statistics. Monetary damages for violations are authorized. The court must report evidence of abuse by a parent or guardian to the county child protection agency. A minor is allowed to seek help from the court if anyone attempts to coerce her to have an abortion.

FISCAL EFFECT

The Legislative Analyst and the Director of Finance indicate that the net costs of Prop. 73 to state and local governments and to Medi-Cal and other programs are unknown, but are

probably not significant in the context of the total expenditures for these programs.

SUPPORTERS SAY

- Minors need help making important health decisions.
- The 48-hour waiting period ensures that parents have an opportunity to consult with their daughter and explore her options before she makes an irrevocable decision.
- Minors still have the right to obtain or refuse an abortion and judicial waivers are available for special circumstances.

OPPONENTS SAY

- Proposition 73 assumes that government can mandate family communication. It can't.
- Scared, pregnant teenagers don't need a judge—they need a counselor. They are

unlikely to go before a judge to request a waiver.

- Vulnerable teenagers who cannot talk to their parents may resort to unsafe, illegal abortions. Parents rightly want to know, but keeping teens safe is more important.

FOR MORE INFORMATION

PRO: YES on 73/Parents' Right to Know and Child Protection
(866) 828-8355, www.YESon73.net

CON: Campaign for Teen Safety/No on Prop. 73(916) 669-4802,
www.NoOnProposition73.org

PROPOSITION

74

Public School Teachers. Waiting Period for Permanent Status. Dismissal.

Initiative Statute.

THE QUESTION

Should the probationary period for public school teachers be increased from two to five years, and should the process by which school boards can dismiss a teaching employee be modified?

THE SITUATION

Current law establishes the probationary period for teachers as two years, and requires performance evaluations at least once each year for probationary teachers and at least once every two years for teachers with permanent or tenured status.

Current law defines the ten causes for dismissal of a permanent certificated employee, but does not define the term "unsatisfactory performance." In the absence of any statutory definition, many school districts have developed their own definitions which vary from district to district.

THE PROPOSAL

Proposition 74 extends the probationary period for new certificated teachers from two to five complete consecutive school years. It applies to teachers whose probationary period began during or after the 2003-04 fiscal year. By extending the probationary period to five years, teachers would have up to two additional performance evaluations prior to achieving tenure. It also changes the process by which school boards can dismiss a permanent teaching employee for unsatisfactory performance. It defines the meaning of the term "unsatisfactory performance" of a teacher or other certificated employee for the purpose of dismissal as "the receipt by a permanent employee of two consecutive unsatisfactory evaluations."

FISCAL EFFECT

The net effect on school districts' costs for teacher compensation, performance evaluations, and other activities is unknown. The impact would vary significantly by district and depend largely on future personnel actions by individual school districts.

SUPPORTERS SAY

- Proposition 74 is real education reform and ensures that our children have quality teachers.
- California's outdated tenure law makes it almost impossible to replace incompetent teachers.
- It changes tenure eligibility and rewards good teachers while removing problem teachers.

OPPONENTS SAY

- Proposition 74 was written without consulting any experts in education law, so it is poorly crafted and contains fatal flaws relative to teacher dismissals and collective bargaining.
- The additional performance evaluations that would be required by this initiative would cost tens of millions of dollars annually.
- Proposition 74 discourages the recruitment and retention of quality teachers.

FOR MORE INFORMATION

PRO: Governor Schwarzenegger's California Recovery Team,
(916) 498-9775, www.JoinArnold.com

CON: No on 74, A Coalition of Teachers and School Board Members for Quality Teaching and Learning,
(916) 492-1962, www.BetterCA.com

Election Day is Tuesday, November 8, 2005.
Polls are open from 7 a.m. to 8 p.m.

October 24 is the last day to register to vote for the November 8 election.

Absentee Ballot

The last day that your county elections official can accept an application by mail for an absentee ballot is November 1. You may apply in person for an absentee ballot at the office of your county elections official through Election Day. Your completed absentee ballot must be in the hands of your county elections official by 8:00 p.m. on Election Day, November 8, 2005.

New citizen?

If you became a citizen in California after the close of registration on October 24, 2005, you may still register to vote by visiting your county elections office on or between the dates of October 25 and November 1. Bring proof of citizenship with you, and be prepared to declare to the county elections official that you have established residency in California.

Election Information

If you are a registered voter, you will receive a notice of the election that includes the location of your polling place. The notice will also include a sample ballot, an application for an absentee ballot and information about the ballot measures.

PROPOSITION**75****Public Employee Union Dues. Restrictions on Political Contributions. Employee Consent Requirement.****Initiative Statute.****THE QUESTION**

Should public employee unions be required to obtain annual written consent from each member in order to use a portion of that member's dues for political activity?

THE SITUATION

Public employee unions collect dues and/or fees from employees in their employee group—both union members and non-members—in order to represent them in negotiations over salaries, benefits, and working conditions. Some of the dues money collected is used to support candidates and issues that union leaders believe will benefit their members.

THE PROPOSAL

Proposition 75 will require public employee unions to get annual written consent from each member in order to use any of

that member's dues for political activities. It will also require unions to keep certain records, including copies of signed consent forms and to report member political contributions to the Fair Political Practices Commission.

FISCAL EFFECT

State and local governments could incur minor increased costs to implement and enforce the consent requirements of this measure. These could be offset in part by revenues from fines or fees.

SUPPORTERS SAY

- It is unfair for unions to use a member's dues money to support political causes with which the member may not agree.
- In other states where union members are explicitly given the choice of declining to support their union's political activity, many do so.

- This initiative does not prohibit unions from collecting political contributions, but requires that the contributions be voluntary instead of mandatory.

OPPONENTS SAY

- Instead of protecting the rights of teachers, nurses, and firefighters, this measure will make it harder to obtain fair wages, fair hours, and health care.
- Corporations significantly outspend labor prior to elections. Without political activity by unions, voters would not hear both sides of many issues.
- Any requirement that those affected must annually consent to use of their money for political purposes should apply to corporate stockholders as well as to union members.

FOR MORE INFORMATION

PRO: Californians for Paycheck Protection, (916) 927-1512, www.caforpaycheckprotection.com

CON: Alliance for a Better California, (916) 492-1962; www.BetterCA.com

PROPOSITION**76****State Spending and School Funding Limits.****Initiative Constitutional Amendment.****THE QUESTION**

Should the California Constitution be amended to create an additional state spending limit, grant the governor substantial new power to unilaterally reduce state spending, and revise key provisions relating to the minimum funding guarantee for K-12 schools and community colleges?

THE SITUATION

California has faced annual shortfalls in its state budget since 2001-02. These shortfalls followed the economic downturn in 2001 causing state revenues to fall below the level needed to fund the state's spending commitments. Although revenues are growing again, policymakers will need to take action to address a likely state budget shortfall in 2006-07.

THE PROPOSAL

Proposition 76 will add an additional spending limit based on an average of revenue growth in the three prior years. It will grant the Governor substantial new authority to unilaterally reduce state spending during certain fiscal situations. The measure amends key provisions in the California Constitution regarding the minimum funding guarantee for K-12 schools and community colleges. Other provisions make changes relating to transportation funding; loans between state funds; and payments to schools, local governments, and special funds.

FISCAL EFFECT

Creating an additional spending limit and giving new powers to the Governor would likely reduce expenditures that could apply to schools and shift costs to local government. This could result in a smoother pattern of state expenditures over time—especially if reserves are set aside in good times and these funds are then available in bad. Changing school funding formulas would make school and community college funding more subject to policymaker decision and less

affected by a constitutional funding guarantee. The measure could result in a change in the mix of state spending—some programs could receive a larger share and others a smaller one.

SUPPORTERS SAY

- Proposition 76 will reform our budget system and balance the budget without raising taxes.
- It will promote bipartisan cooperation between the Legislature and the Governor.
- Wasteful spending will be eliminated and more money will be provided for roads, health care, and law enforcement without raising taxes.

OPPONENTS SAY

- Proposition 76 will cut school funding by \$4 billion overturning voter-approved funding guarantees.
- The Governor will be given unchecked power over the budget destroying the system of checks and balances.
- Proposition 76 will do nothing to prevent new taxes and it endangers local funding for police, fire and health care.

FOR MORE INFORMATION

PRO: Governor's Coalition to Reform and Rebuild California (916) 498-9775, www.JoinArnold.com

CON: No on 76, Coalition of Educators, Firefighters, School Employees, Health Care Givers and Labor Organizations, (916) 492-1962, www.BetterCA.com

PROPOSITION**77****Redistricting.****Initiative Constitutional Amendment.****THE QUESTION**

Should the California Constitution be amended to change the process of redrawing districts for elected state and federal representatives, transferring the redistricting from the Legislature to a panel of retired judges?

THE SITUATION

After each federal census, the California Constitution requires the Legislature to adjust the districts used to elect members of the State Senate, State Assembly, Board of Equalization and the U.S. House of Representatives. The primary purpose of this process ("redistricting" or "reapportionment") is to establish districts that are "reasonably equal" in population.

THE PROPOSAL

Proposition 77 will establish a three-member panel of retired judges, selected by legislative leaders, to develop the redistricting plan. It establishes requirements regarding the drawing of districts, but the panel could not consider information related to political party affiliations and other specified matters. A redistricting plan will be developed for use at the primary and general elections immediately following the measure's approval, and then following each future federal census. The measure establishes a process for the panel, including holding public hearings. If a plan is unanimously approved, it will be used for the next primary and general elections, but then placed on the general election ballot for the voters to consider. If voters approve the plan, it will be used until after the next census. If voters reject the plan, the process will have to be repeated.

FISCAL EFFECT

The one-time costs for implementing a redistricting plan are estimated at \$1.5 million for the state and \$1 million for county governments. There are potential savings for future redistricting, but this would depend on decisions by the voters.

SUPPORTERS SAY

- Yes on Proposition 77 guarantees fair districts and competitive elections.
- It ensures that voters—not politicians—have the final say on voting districts.
- Proposition 77 holds politicians accountable to their constituents, not just to campaign contributors.

OPPONENTS SAY

- Proposition 77 will not result in reform, as the politicians will be the ones selecting the judges who redraw the districts. Politicians will not be any more accountable.
- If voters reject redistricting plans, the process starts over, costing taxpayers millions.
- This plan has been rushed onto a special election ballot to require a new redistricting five years earlier than normal.

FOR MORE INFORMATION

PRO: Edward J. "Ted" Costa, People's Advocate, (916)482-6175, www.FairDistrictsNow.com

CON: Californians for Fair Representation—No on 77 (916) 448-7724, www.NoOnProposition77.com

In order to vote in the November 8 election, you must:

- ☞ Be a United States citizen and a resident of California
- ☞ Be at least 18 years old by the date of the election
- ☞ Be registered to vote
- ☞ Not be in prison or on parole for a felony conviction
- ☞ Not have been judged mentally incompetent to vote by a court

When do you need to re-register to vote?

- ☞ When you move
- ☞ When you change your name
- ☞ When you change your political party affiliation

PROPOSITION**78****Discounts on Prescription Drugs.****Initiative Statute.****THE QUESTION**

Should the state adopt a new discount drug program for California residents with an income at or below 300 percent of the federal poverty level?

THE SITUATION

California law currently provides affordable prescription drugs for low- and moderate-income individuals eligible for Medi-Cal or the Healthy Families program. Beginning in 2006, the federal government will provide discounted prescription drug coverage for persons enrolled in Medicare. Various other state and federal programs provide funds to pay part or all of the cost of drugs for specific individuals. In addition, many Californians receive prescription drug coverage through insurance paid for by the individual or provided by their employer.

THE PROPOSAL

Californians with low and mid-level incomes (up to \$29,000 for an individual or \$58,000 for a family of four) will be able to purchase prescription drugs at reduced prices. It will be funded through rebates from participating drug manu-

facturers negotiated by the California Department of Health Services. Participation in the program will cost \$15 annually and will not be open to those who receive drug coverage from other sources. The program will be administered by the California Department of Health Services which could contract with a private vendor for assistance. Drug companies and pharmacies will not be required to participate.

FISCAL EFFECT

One-time and ongoing state costs for administration and outreach activities could potentially be in the millions to low tens of millions of dollars annually. A significant share of these costs would probably be covered by the state General Fund. There could be state costs to cover the funding gap between the time when drug rebates are collected by the state and when the state pays funds to pharmacies for drug discounts provided to consumers. Any such costs not covered through advance rebate payments from drug makers would be borne by the General Fund. There could be unknown savings for state and county health programs due to the availability of drug discounts.

SUPPORTERS SAY

- Proposition 78 will increase the affordability and access of prescription medications for qualified low- and middle- income participants thereby improving healthcare quality and lowering costs.
- This program will be integrated with other discount prescription drug programs so purchasers will get the lowest available cost for prescriptions.
- The competing proposition is legally flawed and may never be implemented.

OPPONENTS SAY

- Experience with voluntarily-negotiated prescription drug discounts in other states indicates that benefits are largely illusory and outweighed by the costs of implementing the program.
- The proposed "baseline price" for rebate negotiations is intended to protect the drug manufacturers overall pricing structure and removes any incentive to offer significant rebates.
- Proposition 78 is a smokescreen designed and bankrolled with millions of dollars from the prescription drug lobby to block Proposition 79.

FOR MORE INFORMATION

PRO: Californians for Affordable Prescriptions, (916) 448-4234, www.calrxnow.org

CON: Health Access California, (510) 873-8787, www.VoteNoOnProp78.com

**Pros & Cons is supported in part by
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PROPOSITION**79****Prescription Drug Discounts.
State-Negotiated Rebates.****Initiative Statute.****THE QUESTION**

Should California establish a new discount drug program for California residents with an income at or below 400 percent of the federal poverty level and make drug profiteering unlawful?

THE SITUATION

California law currently provides affordable prescription drugs for low- and moderate- income individuals eligible for Medi-Cal or the Healthy Families program. Beginning in 2006, the federal government will provide discounted prescription drug coverage for persons enrolled in Medicare. Various other state and federal programs provide funds to pay part or all of the cost of drugs for specific individuals. In addition, many Californians receive prescription drug coverage through insurance paid for by the individual or provided by their employer.

THE PROPOSAL

Proposition 79 provides for prescription drug discounts to Californians with low and moderate incomes (up to \$38,000 for an individual or \$77,000 for a family of four), or whose medical expenses exceed 5 percent of their income. It will be funded through rebates from participating drug manufacturers negotiated by the California Department of Health Services. Participation in the program will cost \$10 annually and will not be open to those who receive drug coverage from other sources. At least 95 percent of the rebates must be used to fund the discounts to pharmacies. New or extended Medi-Cal contracts are prohibited with manufacturers who do not provide the best price to this program. An oversight board will be established. Civil penalties would be established for profiteering by drug companies.

FISCAL EFFECT

State costs for administration and outreach could be in the low tens of millions of dollars annually. A significant share of these costs would probably be covered by the state General Fund. There could be state costs to cover the funding gap between the time when drug rebates are col-

lected by the state and when the state pays funds to pharmacies for drug discounts provided to consumers. Any such costs not covered through advance rebate payments from drug makers would be borne by the General Fund. There could be unknown net costs or savings due to the link to Medi-Cal contracts, and unknown savings for state and county health programs due to the availability of drug discounts.

SUPPORTERS SAY

- More people will be eligible to participate in Proposition 79 than in Proposition 78.
- Proposition 79 builds on a successful effort used for the Medi-Cal program that reduces drug costs for California through enforceable discounts.
- The state can use its Medi-Cal program as leverage to force companies to sell drugs at a lower price. Companies that do not give discounts could lose their ability to sell drugs to the Medi-Cal program.

OPPONENTS SAY

- Proposition 79 will establish a large government program costing more to administer than Proposition 78.
- The state is not likely to obtain federal approval for linking the drug discount program to Medi-Cal.
- Since neither a "fair price" nor a "fair profit" are defined in the measure, lawsuits could result with regard to profiteering.

FOR MORE INFORMATION

PRO: Health Access California, (510) 873-8787, www.VoteYesOnProp79.com

CON: California Against the Wrong Prescription, (916) 448-4234, www.calrxnow.org

Pros & Cons

September 19, 2005

President: Jacqueline Jacobberger**Education Fund Chair:** Roberta Davis**About the League**

The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government. The League also influences public policy through action and advocacy. The League does not support or oppose candidates or political parties.

The League of Women Voters of California Education Fund publishes the *Pros & Cons* of the state ballot measures, an explanation of the propositions on the state ballot and the main arguments of their proponents and opponents. The League does not judge the merits of the arguments nor guarantee their validity. Arguments come from many sources and are not limited to those found in the state ballot pamphlet.

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Electric Service Providers. Regulation.

Initiative Statute.

THE QUESTION

Should the state expand its regulation of the electric industry?

THE SITUATION

Most of the electricity used in California comes from large investor owned utilities (IOUs) which are regulated by the California Public Utilities Commission (PUC). Smaller amounts come from largely unregulated publicly owned utilities and electric service providers (ESPs). Customers of ESPs receive their electricity via the local utility's distribution system in "direct access" accounts. Customers are mostly large businesses seeking less costly electricity as well as individuals seeking "green" electricity from alternative energy sources. New "direct access" accounts for individuals were temporarily suspended as a result of the 2000-01 statewide energy crisis.

THE PROPOSAL

Proposition 80 will give the PUC more control over California's electricity providers. It will keep customers from switching from private utilities to other providers. All electricity sellers will be required to use more renewable energy resources, with a goal of 20 percent by 2010 (instead of by 2017.)

Electric service providers would come under PUC control and regulation. Also, the suspension of new accounts for direct access electricity would become permanent. Priority would be given to "cost effective" energy efficiency and conservation programs and "cost effective" renewable resources. Several current PUC practices will be put into law by this measure.

FISCAL EFFECT

The PUC administrative costs could range from very little up to around \$4 million annually. Consumers would pay fees to cover the increase. It is not possible to determine the effect of this measure on electricity rates or on state and local government finances.

SUPPORTERS SAY

- Proposition 80 ensures that all electricity providers are regulated so traders cannot manipulate the system again. It can correct California's failed experiment with electricity deregulation.
- Requiring adequate supplies for long-term needs provides the market stability needed for investments in new, clean electricity sources.
- Competition between independent generators and utilities will assure low rates for consumers.
- It speeds up the shift to renewable energy and gives priority to energy efficiency programs.

OPPONENTS SAY

- Proposition 80 is the wrong way to make energy policy and it won't prevent another energy crisis
- More regulations could stall investment in the creation of new power plants needed to prevent future blackouts.
- Growth of the alternative "green" energy industry (solar, wind, geothermal) would be hindered by the ban on new direct access accounts.
- Energy policy is too complex for the initiative process and should be developed through a comprehensive approach that includes public hearings.

FOR MORE INFORMATION

PRO: The Utility Reform Network (TURN), (415) 929-8876, www.turn.com

CON: Californians for Reliable Electricity, (916) 551-2513, www.NoProp80.com

WHY A SPECIAL ELECTION?

On June 13, 2005, Governor Arnold Schwarzenegger called for a statewide special election for November 8, 2005. The California Constitution gives the governor the power to call a special election when an initiative has qualified for the ballot. Since 1911, there have been 14 special elections with eight since the end of World War II, including the historic 2003 gubernatorial recall election.

In many ways, the procedures for special elections are identical to those for regularly scheduled elections. By gathering the necessary signatures and meeting the qualifications and deadlines outlined by California law, individuals and organizations can place measures on the ballot. The Legislature can also put measures on the ballot.

California governors call a special election by issuing a proclamation 148 days or more prior to Election Day; legislative approval is not necessary. Once the proclamation is declared, a series of deadlines arise for the special election, including filing dates, ballot preparation and summary, voter registration, and legislature ballot submissions.

For more information about this election, see the Secretary of State's Web site at www.ss.ca.gov/elections.

HOW TO EVALUATE INITIATIVES

- Who are the real sponsors and opponents of the measure? Investigate the names of groups with which you are not familiar.
- Does the measure deal with one issue which can be easily decided by a "yes" or "no"? Or is it a complex issue which should be thoroughly examined in the legislative arena?
- Is it written well? Are there conflicts in the measure that may require court resolution or interpretation? Is it "good government" or will it cause more problems than it will resolve?
- If the measure amends the Constitution, consider whether it really belongs in the Constitution. Amending the Constitution is cumbersome and costly and requires a vote of the people. Would a statute accomplish the same purpose?
- Does the measure create its own revenue source? Does it earmark, restrict, or obligate a specific percentage of General Fund revenues? Consider the effect on the overall flexibility of the budget.
- Examine the measure by its merits. During the campaign, be wary of distortion tactics and commercials that rely on image, but tell nothing of substance about the measure.

Courtesy of Margaret Craig, LWV Orange Coast

Local Leagues in California

For more information about ballot measures and speakers for your community group, contact your local League of Women Voters listed below:

Alameda	Monterey Peninsula
Arcadia MAL Unit	North Coast San Diego County
Bakersfield	North Orange County
Beach Cities	North San Mateo County
Benicia	Northwest Riverside County
Berkeley/Albany/Emeryville	Oakland
Beverly Hills	Orange Coast
Butte County	Palo Alto
Capistrano Bay Area	Palos Verdes Peninsula
Central Orange County Area	Pasadena Area
Central San Mateo County	Piedmont
Claremont Area	Plumas County MAL Unit
Cupertino/Sunnyvale	Redding Area
Davis	Sacramento County
Diablo Valley	Salinas Valley
Downey	San Bernardino
East San Diego County	San Diego
East San Gabriel Valley	San Francisco
Eastern Sierra	San Joaquin County
Eden Area	San Jose/Santa Clara
El Dorado County	San Luis Obispo County
Escondido	Santa Barbara
Fremont/Newark/Union City	Santa Cruz County
Fresno	Santa Maria Valley
Glendale/Burbank	Santa Monica
Humboldt County	Sonoma County
Indian Wells Valley MAL Unit	South San Mateo County
Livermore/Amador Valley	Southwest Riverside County
Long Beach Area	Southwest Santa Clara Valley
Los Altos/Mountain View Area	Torrance
Los Angeles	Tulare County
Marin County	Ventura County
Marysville/Yuba City	West Contra Costa County
Mendocino County	Western Nevada County
Merced County	Whittier
Modesto	Woodland

You will find contact information for these local Leagues at www.lwvc.org

Not a Member of the League of Women Voters? Please Join!

The League of Women Voters of California is strictly nonpartisan; we never support or oppose any political party or candidate. At the same time, we are wholeheartedly political, working to influence public policy through education and advocacy. Membership in the League is open to citizens of voting age. Others are invited to join as associate members.

Yes, I want to join. Enclosed is my check for \$50.00 payable to the League of Women Voters of California.

Please send me more information about the League and its publications.

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