

# **League of Women Voters of Oklahoma**

## **PROGRAM FOR ACTION (former title *Program Positions*)\***

Publication No. 906  
September 2014 update for study purposes  
League of Women Voters of Oklahoma  
720 West Wilshire Blvd., Ste. 101-I  
Oklahoma City, Oklahoma 73116  
405-242-2031

\*Note: At its August 23, 2014 meeting, the LWVOK board of directors approved changing the title of this publication from *Program Positions* to *Program for Action*.

## TABLE OF CONTENTS

<b>Purpose and Objectives .....</b>	<b>3</b>
<b>Nonpartisanship .....</b>	<b>3</b>
<b>Principles.....</b>	<b>4</b>
<b>Consensus.....</b>	<b>4</b>
<b>Position .....</b>	<b>4</b>
<b>Action .....</b>	<b>5</b>
<b>Program .....</b>	<b>5</b>

### **LWVOK POSITIONS:**

*Note: As directed by a vote of the board of directors, the League of Women Voters of Oklahoma positions will be organized in the order that most closely matches the organization of Impact on Issues, published by League of Women Voters of the United States. The revised order is shown below.*

### **REPRESENTATIVE GOVERNMENT**

<b>Apportionment.....</b>	<b>6</b>
<b>Conflict of Interest.....</b>	<b>9</b>
<b>Constitutional Revision .....</b>	<b>11</b>
<b>County Government.....</b>	<b>13</b>
<b>Instant Runoff Voting.....</b>	<b>14</b>

### **NATURAL RESOURCES**

<b>Water .....</b>	<b>17</b>
--------------------	-----------

### **SOCIAL POLICY**

<b>Education.....</b>	<b>23</b>
<b>Curriculum.....</b>	<b>28</b>
<b>Corrections System.....</b>	<b>30</b>
<b>The Re-Integration of Female Offenders .....</b>	<b>34</b>
<b>Fiscal Policy.....</b>	<b>36</b>
<b>Judicial System .....</b>	<b>39</b>
<b>Juvenile Justice .....</b>	<b>41</b>
<b>Living Will.....</b>	<b>45</b>
<b>Mental Health .....</b>	<b>46</b>
<b>Teenage Pregnancy Prevention .....</b>	<b>48</b>

## **PURPOSE AND OBJECTIVES**

The League of Women Voters is open to all persons of voting age. Men are eligible for membership and welcome to join the ranks of others concerned about public issues and policy.

The name was adopted with the founding of the organization in February 1920, shortly after ratification of the 19th Amendment to the U.S. Constitution by which women were given the right to vote. The League's purpose was to continue the participation in public affairs by those who had worked for over 50 years toward the achievement of suffrage for women.

The objectives of the League have always been:

- Fostering education in citizenship and supporting needed legislation;
- Encouraging interest in government and in national problems;
- Promoting participation in the civic life of our country;
- Stimulating activity in public affairs, particularly registering and voting in every election;
- Developing intelligent use of votes by the women of the United States;
- Rendering such other services in the interest of education in citizenship as may be possible;
- For the mutual improvement of the members; and
- To do every act appropriate or necessary to carry out any of these objectives.

Membership in the local League includes membership in the League of Women Voters of Oklahoma and the League of Women Voters of the United States. The organization works at all three levels of government as a *nonpartisan* organization to encourage informed and active participation of citizens through education and advocacy.

## **NONPARTISANSHIP**

*LWVOK Bylaws, Article II. Section 2. Nonpartisanship*

*– The League shall not support or oppose any political party or candidate.*

Nonpartisanship is a basic principle of League, stated in the National and State Constitutions and affirmed by each local League. This means that, while no political position may be taken by an individual member during engagement in League projects, members are free to be partisan in other contexts. Only the local President and the Voter Service Chair are precluded from any active partisan political action or from holding public office.

The League never endorses or opposes any political candidate or party. The League speaks only to issues and only to those issues that have been arrived at through the member consensus process.

## **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 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 his right to vote; that every person should have access to a 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 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 which affect the general welfare, promote a sound economy, and adopt domestic policies which 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 the development of international organization and international law is imperative in the promotion of world peace.

## **CONSENSUS**

Consensus in the League means agreement among a substantial number of members (representative of the membership as a whole) reached after sustained study and group discussion. It is not just a simple majority or necessarily unanimity.

Consensus within a group that is meeting together for discussion is "the sense of the meeting." It comes after careful study of the facts and free discussion in which the expression of all points of view have been encouraged and the views of the minority considered with those of the majority.

In reporting the results of discussion to the local League board, the information will include the number of members attending, areas and degree of agreement, the minority view and its strength, and areas in which the group was undecided or lacked sufficient information needed to make a decision.

Determining consensus of the members within the local League is the responsibility of the local League board. It is an interpretive process and a continuous one calling for foresight, clear lines of communication between the board and the will of all the members. In considering reports from discussion units, the Board considers all the members together – not by units. (State Board on state programs; National Board on national programs.)

## **POSITION**

When the body of opinion expressed in consensus has been put into words by the appropriate board (local, state, or national), it is called a position.

## **ACTION**

League action includes:

- Providing information to the community on League program subjects;
- Developing public support of League position; and
- Supporting specific measures to promote the position.

When a “time for action” on a governmental issue is announced, only the president (local, state or national) speaks for the League as an organization. Each member, however, is urged to contact her/his local official, legislator, or congressman and express her/his own conviction, whether based on League study or other information *speaking not as a League member, but as a concerned citizen*. Each member is encouraged to design such action to fit the circumstances and the occasion.

## **PROGRAM**

***LWVOK Bylaws, Article XI. Section 2. Program. The Program of the League of Women Voters of Oklahoma shall consist of action to protect the right to vote of every citizen and those governmental issues chosen for concerted study and action.***

Through its program, the League gives sustained attention to, and takes concerned action on, issues chosen by the members. Through its voter service, the League provides nonpartisan, factual information on the structure and function of government, on political parties, and on voting procedures, candidates and issues.

Concerns of the League of Women Voters of Oklahoma, reflected in the studies undertaken and consensus reached, have placed the League in the forefront, ready for action, when the state has faced its greatest problems in recent years. Prominent issues such as taxes, education, prison reform, water quality and supply, county government, juvenile justice, and the ongoing need for constitutional revision have appeared on the League’s agenda parallel with and sometimes prior to, their appearance on the agenda of the state’s governmental bodies.

# **LEAGUE OF WOMEN VOTERS OF OKLAHOMA POSITIONS**

## **REPRESENTATIVE GOVERNMENT**

### **APPORTIONMENT**

*Support action for apportionment based substantially on population of congressional districts and of all elected state and local governmental bodies.*

The members of the League of Women Voters of Oklahoma believe that both houses of the state legislature should be apportioned substantially on population. The League is convinced that this standard, established by apportionment decisions of the Supreme Court, should be maintained and that the U. S. Constitution should not be amended to allow for consideration of factors other than population in apportioning either or both houses of state legislatures.

Of overriding importance to the League in coming to this decision is the conviction that a population standard is the fairest and most equitable way of assuring that each person's vote is of equal value in a democratic and representative government. Other considerations influencing League decisions are that the U.S. Constitution should not be amended hastily or without due consideration because of an "unpopular" court decision, and that individual rights now protected by the Constitution should not be weakened or abridged.

Against the background of its long-standing interest in state government, the League also hopes that by maintaining a population standard, state government may be strengthened by ensuring that state legislatures are more representative of people wherever they live. Finally, the League feels certain that the term "substantially" used in Supreme Court decisions allows for adequate leeway for districting to provide for any necessary local diversity.

Consensus approved 1979

## **BACKGROUND INFORMATION**

The United States Constitution requires reapportionment of election districts every ten years following the decennial census, with state legislatures having the responsibility for drawing the boundary lines for congressional, state, and local districts. The U.S. Supreme Court ruled in 1962 and 1964 that both houses of state legislatures must be apportioned substantially on population.

The Oklahoma Legislature was one of those affected by the Supreme Court ruling. However, efforts at reapportionment had some rough going, finally ending in a court battle. The court finally accepted a

plan prepared by Patience Latting, a member of the League of Women Voters. Reapportionment, based on this solution, became an actuality in 1964.

The League of Women Voters of the United States adopted a position on apportionment in 1966. At its 1979 convention, the League of Women Voters of Oklahoma chose to adopt portions of the national position in order to act more effectively at the state level to insure protection of the one-person-one-vote doctrine in any redistricting which might occur.

In January 1981, the League of Women Voters of Oklahoma published a booklet on reapportionment in Oklahoma. This booklet will be updated when the 1990 census figures are finalized. Also following the 1990 census the League will monitor carefully the reapportionment of the state legislature.

## **CONFLICT OF INTEREST**

### ***Support of strong, enforceable conflict of interest legislation and financial disclosure.***

The League of Women Voters of Oklahoma believes Oklahoma needs stronger, more inclusive, enforceable conflict of interest legislation. We believe this can best be accomplished through an amendment to the State Constitution.

A uniform conflict of interest law should extend to all elected officials, some appointed officials, department heads responsible for policy decisions and expenditures, and to candidates for office.

The League believes financial disclosure is a critical element in any conflict of interest legislation. Disclosure must provide enough information to denote any conflict of interest. The source of income and percentage of assets and liabilities held are more important in financial disclosure than reporting net worth. This information should be required of office holders, some appointed officials, candidates, and of their immediate family members as well. Financial disclosure information should be easily accessible to the public for inspection.

Consensus approved 1983

## **BACKGROUND INFORMATION**

Delegates to the 1981 State League Convention were presented with a request from Common Cause and other organizations involved asking that the League of Women Voters of Oklahoma join in the coalition FORGE (Oklahoma For Government Ethics) and take part in circulating an initiative petition to put a conflict of interest amendment on the ballot. In order to determine whether or not the League could take this action, the convention voted to undertake a study of the need for conflict of interest and financial disclosure legislation at all levels of government.

Because of the deadline for presenting the petition, a summer study was undertaken by all Leagues in the state with consensus being reached in September, 1983.

It was determined by the State Board that the study had not been thorough enough to launch an all-out

petition drive. However, it was decided to support the intent of the petition and to encourage local Leagues to work on the petition circulation if they desired to do so. The petition failed to receive the needed number of signatures.

In 1986, legislation creating an Ethics Commission was passed. Many observers felt that Oklahoma now had a strong ethics law. However, initial funding for the new Commission amounted to only \$100,000 for the first year of operation, signaling a lack of real commitment on the part of the Legislature for a strong conflict of interest and financial disclosure law.

The first year of implementation brought problems and court challenges to the new ethics law. So during the 1987 legislative session, changes were made, which were not all beneficial. Funding did not increase for the Commission's operation.

Although the 1988 legislature doubled funding, it also passed legislation weakening further the already crippled Ethics Commission. The Commission was renamed "Oklahoma Council on Campaign Compliance and Ethical Standards."

In 1989 the Constitutional Revision Study Commission appointed by Governor Henry Bellmon proposed adding a new section to the state constitution creating a five member Ethics Commission. The LWVOK helped gather signatures for the initiative petition to bring the proposed amendment to a vote of the people. The amendment was approved September 18, 1990 and the new constitutionally mandated Ethics Commission officially came into existence on July 1, 1991.

The citizens of the state were soon to discover that the debate over ethics was just beginning. As required by the new amendment to the Oklahoma Constitution, the new Ethics Commission wrote a set of rules that had to be submitted to the Legislature by January 1992.

The Supreme Court accepted original jurisdiction and, after hearing both sides argued, handed down a decision on March 30, 1993. The court ruled that the section of HJR 1077 disapproving all of the rules submitted by the Ethics Commission was constitutional. All parties had accepted that fact. The Court ruled, the Legislature did not have the constitutional right to substitute its own set of rules before they were effective.

The Ethics Commission went back to the drawing board in the summer and fall of 1993, writing a new set of ethics rules to submit to the Legislature. That new set of rules was submitted to the Legislature in February 1994 so the ball was back in the Legislature's court. If the 1994 Legislature does not disapprove the rules as a whole, they will become effective at adjournment. Oklahoma citizens will finally have ethics rules that will require accountability on the part of elected officials and candidates alike.

In May 1994, Attorney General Susan Loving issued an opinion that said that the Legislature was authorized to disapprove of an individual Ethics Commission rule without having to disapprove the entire package. The Attorney General's opinion further stated that the Legislature might not disapprove of just a portion of an individual rule without disapproving the entire rule. Representative Rob



Johnson (R- Tulsa) had requested the opinion. As late as mid-May, the legislators had not yet acted on this opinion. The League encouraged legislators to allow the new ethics package to take effect without changes and give the people of Oklahoma a gubernatorial election governed by rules put forward by the Constitutional Ethics Commission.

5/12/99

## **CONSTITUTIONAL REVISION**

### ***Support of major constitutional revision in Oklahoma.***

The League of Women Voters of Oklahoma believes the state constitution should provide a flexible framework within which state government can function effectively in the face of rapidly changing conditions, and should provide adequate protection for individual rights and liberties. The constitution should clearly define responsibility of the three branches of government and grant them adequate powers to carry out these responsibilities. The constitution should express only fundamental law and principle.

The present Oklahoma Constitution fails to meet these criteria; therefore, the League recommends major constitutional reform efforts. If the convention route is chosen it should be preceded by extensive study and research conducted by an adequately financed, professionally staffed group. A call to convention should provide for nonpartisan election of delegates on an equitably apportioned basis, representing diverse interests of the state with some limitations on elected officials serving as delegates. A convention should be limited as to its duration and size. A constitutional convention should have the discretion to submit its revised document to the voters in its entirety or separately, article by article.

## **GUIDELINES FOR A LEGISLATIVE ARTICLE**

The League of Women Voters supports a bicameral legislature with both houses apportioned on a one-man one-vote principle. The legislature should be permitted to meet in annual sessions of unlimited length and should have some power to call itself into session. The constitution should not set the amount of legislative salaries, and statutory provisions by the legislature should be for subsequent legislatures. The League of Women Voters believes many procedural restrictions in the present legislative article, such as reading of bills, rather than relying on printed copies, should be eliminated and less stringent requirements made for getting bills out of committee.

**GUIDELINES FOR RIGHTS OF CITIZENS** – The League of Women Voters of Oklahoma believes the Bill of Rights should be rewritten in more concise language, eliminating present provisions that do not pertain to individual rights, but should provide rights such as legal counsel for serious crimes when defendant is unable to provide it for himself or herself.

The League of Women Voters also believes there should be provisions for means of restoring voting rights of former felons and mental patients. The League of Women Voters supports the citizens' right to the initiative and referendum, believes there should be no increases in the present requirement for signatures and that the "silent vote" provision should be eliminated. The "silent vote" (people voting in

an election but not voting on a particular amendment) was eliminated in 1974. The League reaffirms the need to protect the right to referendum through support of measures to clarify the "emergency clause." Throughout the constitution there are numerous outdated technical provisions and restrictions as well as discriminatory suffrage provisions that should be eliminated.

## **GUIDELINES FOR AN EXECUTIVE ARTICLE**

The League of Women Voters of Oklahoma believes the governor should be chief executive in fact as well as in name. The constitution should be revised to increase the governor's administrative authority over the executive department by substantially increasing his or her appointive powers, and by consolidation of departments and agencies under his or her authority. The governor and lieutenant governor should be elected from the same party on a single ballot. Election of other executive officials should be limited to major policy making offices.

**GUIDELINES FOR JUDICIAL ARTICLE** – The constitution should provide a unified court structure for Oklahoma, with well-established lines of administrative authority and responsibility that would be adaptable to changing needs and would permit division of courts into geographic or functional jurisdiction as needed. The League believes in a constitutional court on the judiciary for the removal of justices and judges. The League recommends improved methods of judicial election to provide a thoroughly qualified and independent judiciary, with the state judges being taken out of politics as nearly as possible. To accomplish this, *the League supports appointment of judges from an approved list with periodic submission to the people for unopposed vote.* The League believes the minor court structure should be improved by staffing the courts with judges who are lawyers and are paid fixed salaries from the general fund, by the courts being courts of record, by the court jurisdiction extending to all cases of relatively minor importance, and by each court serving an area large enough to justify proper court organization.

## **GUIDELINES FOR CORPORATION COMMISSION**

The constitution should include only general provisions for a regulatory agency for corporations, retaining the right of arbitration and the right of recourse to the courts. Implementation and other procedural matters should be left to the Legislature.

## **GUIDELINES FOR EDUCATION**

The Constitution of Oklahoma should state that the Legislature should provide for maintenance and support of the system of free public schools open to all children in the state, and should establish, organize, and support such other public institutions of higher learning as may be desirable. The League believes that the State Superintendent of Public Instruction should be appointed.

## **GUIDELINES FOR FISCAL POLICY**

The League reaffirms the urgent need for statewide equalization of property tax assessments. The League believes earmarking of funds should be eliminated from the constitution; that the executive department boards should be responsible to the governor for their annual budgets. The governor, in turn, should be required by the constitution to present a budget message to the Legislature.

## **GUIDELINES FOR REVENUE AND TAXATION**

The League of Women Voters of Oklahoma believes Article X of the Constitution of the State of Oklahoma should be shortened and simplified to make it more flexible. All specific details should be removed, including debt ceilings and millage caps. All obsolete sections should be removed.

## **GUIDELINES FOR COUNTY AND MUNICIPAL GOVERNMENT**

The Constitution should provide general grants of power with specific provisions left to the legislative body and/or home rule charters. The constitution should provide for maximum local self-government at the county and municipal level. Provisions should be made for local government units to reorganize, restructure, or consolidate according to needs. In the constitution, there should be a general grant of power to tax given to local governmental units, but the determination of methods and limitations should be delegated to the legislature. The number of elected local governmental officials should be reduced by appointment of qualified persons to administrative positions.

Consensus approved 1969  
Revised Fiscal Policy approved 1989  
Consensus, Revenue and Taxation approved 1989

## **BACKGROUND INFORMATION**

Delegates to the 1965 LWVOK Convention directed that the League undertake a thorough study of the Constitution of the State of Oklahoma, anticipating the possibility that the 1970 vote of the people on a constitutional convention might be favorable.

The constitution requires that the people be allowed to vote every twenty years on the question of calling a convention for the purpose of revising and updating that document. With that in mind, League members launched a two-year study that resulted in consensus on the kinds of constitutional changes that they wished to support or oppose. In 1967, the League supported bills that created a constitutional revision interim study committee. When such a committee was formed, two members of the Oklahoma LWV served as appointees.

In 1970 voters were given a choice of: 1) a call to constitutional convention or 2) revision using the article-by-article method. Both ideas were overwhelmingly defeated despite League efforts to educate the voters as to the need. In 1990 there could be another opportunity for the people to vote on a constitutional convention. In the meantime, since the League study was completed, changes in single articles have been proposed and the League has been able to take a stand on several of these questions, basing its support or opposition on the position adopted in 1969.

Publications which resulted from the League study include the two-part *Study of the State Constitution*, published in 1966 and 1967, aided by a grant from the Sears Roebuck Foundation; *The Constitution of Oklahoma: Framework or Bailing Wire?*, published in 1976 as a bicentennial project; and *Framework for Government, Oklahoma's Constitution*, published in 1980.

These publications were in demand, not only by the general public, but also by the Constitutional Revision Study Commission appointed by Governor Bellmon in 1988. The responsibilities of the Commission were to reexamine the constitution and to hold public hearings on constitutional revision, with a possible call to a constitutional convention in 1990. One of the members appointed by the governor was a League member who chaired the subcommittee to rewrite the Bill of Rights.

During 1988-89 the League studied Article X, Revenue and Taxation. The consensus of the 1989 Convention of the League of Women Voters was that issues of taxation and revenue should be considered as legislation, and that the constitution should be fundamental law only.

In 1989, after a successful initiative petition drive, Oklahoma voters adopted an amendment to the constitution that shortened the length of the legislative session. The League unsuccessfully opposed this amendment.

In 1990, there should have been, but was not, an opportunity for the people to vote on a call to a constitutional convention. Instead as a result of recommendation from the Constitutional Revision Study Commission, LWVOK supported an initiative petition drive to put on the ballot amendments making major changes in Article VI and Article IX and a new article creating an Ethics Commission. Sufficient signatures were obtained, but an Oklahoma Supreme Court ruling kept the proposed changes to Articles VI and IX off the ballot. The amendment creating the Ethics Commission was approved.

An August 1990 amendment removed unconstitutional restrictions on who may vote in bond elections and gave the legislature the authority to set interest rates on bonds for industrial development. The League opposed it. Also approved in 1990 was an amendment to limit the terms of future members of the Legislature; it became effective January 1, 1991.

In March 1992, voters approved another amendment opposed by LWVOK. It gave Oklahoma voters the right to vote on tax increases proposed by the Legislature.

5/12/99

## **COUNTY GOVERNMENT**

### ***Support for reform of county government in Oklahoma.***

The League of Women Voters of Oklahoma believes that changes are needed in operation and management of county government in Oklahoma, with a goal of government that is more efficient, modern and accountable to the people.

The League favors a commissioner form of county government, but feels that it may not be suitable for all counties. The option of home rule should be extended to all counties permitting them to determine their own form of government.

Under the commission form the League believes that commissioners should serve as policy makers concerned with the entire county not individual districts. Commissioners should be elected at-large from districts in which they reside with a county manager hired to carry out administrative responsibilities.

County administrative offices should be consolidated. Appointed or hired officers should be under the supervision of the county manager. The LWV continues to support elimination of the office of County Superintendent of Schools.

Greater efficiency and economy in county government would be achieved through use of city-county cooperation or consolidation of services such as in planning, solid waste disposal, libraries, health departments, and emergency medical services. Inter- county use of data processing and police technical services should be encouraged. The League recommends employing a county road superintendent and centralizing the use of road equipment. Laws pertaining to county government must be re-codified in order to make them easier to locate and understand.

The League believes that the ad valorem tax should continue to be the primary source of revenue for county government. However, equalization of ad valorem taxes and consistency in assessment practices must be pursued to support county needs. Counties also need greater flexibility in raising revenue. We support legislation permitting an increase in the millage levy for counties. County treasurers should be required to invest county funds in interest bearing accounts for highest and best use of the funds. Un-earmarking the transfer funds used for road maintenance would better serve the entire county. Annual unscheduled audits of county funds should be conducted.

The LWVOK does not believe a separate code of ethics for county officers is needed. The current oath of office, if enforced, is sufficient. The oath could be strengthened by inclusion of stronger penalties for violation and requirement of disclosure of any conflict of interest.

Consensus approved 1983

The League of Women Voters of Oklahoma, at its 1981 Convention, received a request from the delegates for approval and coordination assistance from the state board for a statewide ad hoc committee to develop a scope for a program study item on county government. The decision was well timed, for it was that year that the county commission scandal erupted, focusing attention once more on the need for modernization to insure better government at the county level.

At the 1982 LWVOK Council, the actual study of county government was adopted and resulted in the consensus that was approved at the 1983 convention.

In the years since federal prosecutors sent commissioners in nearly all counties to prison, little actual reform in county government has taken place. Public interest in and attention to the operations of county government faded in the wake of Oklahoma's fiscal problems of the 1980's. The Oklahoma Legislature did enact some cosmetic changes regarding purchasing procedures as well as accounting practices to provide a better paper trail in tracking money spent by county officials. Commissioners were also encouraged to make better use of the open meeting law in conducting business.

Information received from the U.S. Attorney in 1989 shows that states adopting systems similar to home rule have reported considerable savings and increased efficiency. Suppliers who serve northern Oklahoma and Kansas report more corrupt business practices in Oklahoma than in Kansas.

Any significant modernization or reform of county government is still waiting.

5/12/99

### **Instant Runoff Voting (IRV) or Ranked Choice Voting (RCV)**

***Concurrence: In accordance with the League of Women Voters' position of promoting political responsibility through informed and active participation of citizens in government, the LWVOK will support legislation that assures that the candidate preferred by a majority of voters wins the election.***

***Specifically the LWVOK will support instant runoff voting (IRV) for all statewide and local elections***

**History:** In 2009-2012 a study was carried out to determine if instant runoff voting (IRV), also called ranked choice voting (RCV), would be a good system for Oklahoma's partisan primaries and statewide general elections, as well as for local city and school board elections.

The study looked at instant runoff voting systems both as proposed and as actually used in other states and cities. A comparison of IRV was made to Oklahoma's current systems for both local and statewide races. Topics covered were the effects of IRV on cost, voter turnout, and fairness. The possibility of voter confusion and need for education for a new system were also be looked at. The effects on third parties and independent candidates were also discussed.

The study also looked at what would be required to change the system and how difficult that would be —city code or charter changes, ordinance changes, constitution changes, state law changes.

At the time of the study Oklahoma used a combination of a plurality system and a two round runoff system for elections. In a plurality system the candidate with the most votes wins whether or not he/she receives a majority of the votes cast. With a two round runoff if no candidate receives over 50% of the vote a run-off is held between the two candidates who received the most votes in the earlier primary. Many local school board and city elections use this two round system to elect officials. Some cities use a plurality system to elect city officials.

With IRV, sometimes called ranked choice voting (RCV), voters rank the candidates on the ballot, marking their first, second, and third choices, depending on how many candidates are in the race. In round one, the first-choice votes are counted. If a candidate gets over 50% of the votes (a majority), he or she is declared the winner. If no one has a majority, the counting goes to the instant runoff. The candidate with the lowest number of first-choice votes is eliminated. The second place votes on the ballots of the eliminated candidate are added to the first place votes of the remaining candidates. If one of the remaining candidates gets a majority the election is over. If no one gets a majority, again the candidate with the fewest votes is eliminated and third choice votes of the eliminated candidate are transferred to the remaining candidates. This continues until a candidate has a majority.

Oklahoma Leagues determined the following criteria were important to them in an election system:

- Encourages majority rule and ensures majority support for the winner
- Is easy to understand, use and administer
- Minimizes the cost to the candidates and the city, county or state
- Encourages minority (racial, gender, economic) participation
- Raises the level of political campaigns/ focus on the issues

The members found that the plurality system was easiest to understand and administer, however, they did not want a system where officials were not elected by a majority. They preferred some sort of a runoff system even if it were more expensive.

The two round runoff was also easy to understand. However, it costs the candidates and the election administrators extra money. For example, the cost of the August 2010 partisan runoff primary in Tulsa County was between \$850,000 and \$900,000. The expense of a second campaign for candidates varies widely, but in some cases is substantial and may hurt the chances of less affluent candidates. Because the runoff usually has a much lower turnout than the first primary, sometimes the winner of the runoff cannot be said to have won by a majority. For example in the 2010 Oklahoma Republican runoff for Insurance Commissioner the number of votes cast in the July primary was 222,970, but only 119,868 cast votes for Insurance Commissioner in the August runoff. This is more than a 40% decrease in the number of voters. Even with a runoff, did the winner obtain a majority? Comparing the votes by county, some counties with runoffs for legislative seats had a greater than 50% decrease in turnout in the August primary runoff compared to the July primary.

Using IRV a candidate must receive a majority to win. Since the runoff election is held at the same time as the first election, the candidates and the elections administrators save the cost of a second

election. Voters appreciate that they can vote their first choice candidate in a multi-candidate election and not worry about "spoiling" the chances of their second choice, since that vote will be counted in the second round if no candidate gets a majority in the first round.

The first thing most critics say of IRV is that the ballot is harder to mark than that for plurality voting, in which the voter just makes one 'X' or some equivalent one step process. (IRV offers voters the option of 'ranking' the candidates, but does not require it.) Any ballot that asks more of the voter, than the one step, can be problematic. Dovetailing with this is that IRV is more administratively complex. San Francisco State University, which has done research with San Francisco's IRV elections, found that minorities and those whose first language was not English did not have more trouble than non-minority population. All groups benefited from ballot education. San Francisco has used IRV since 2004 and election administrators and most voters support the system. The system was successful enough in San Francisco that neighboring cities of Oakland and Berkeley have also starting using IRV for their city elections.

IRV would require changes in state statutes and city charters. League members reviewed state election statutes and found nothing that prohibited instant runoff elections. Their review concludes that while there is nothing in current law that prohibits the use of instant runoff voting (or rank voting) from being used, it is not likely to be used unless the law (O.S. 26 Sections 1-102.2 and 1-102.3) is amended to include instant runoff/ranked voting as an option.

After looking at plurality, two round runoffs and IRV local Leagues agreed that IRV should be used in Oklahoma for the November state-wide elections, state-wide partisan primary elections and local elections for city officials and school boards.



## NATURAL RESOURCES

*Note: Although the LWVOK board approved a restudy of the position on water in the 2011-2013 biennium and an updated position was approved at the 2013 Convention, the LWVOK board did not require that the program committee to write an updated position for this book, so both the earlier position and the 2013 study notes are included here. It is recommended by the current program committee that the board require the positions to be updated, so that there will be only one position on water going forward.*

### WATER

***Support of state policies and procedures, which promote comprehensive long-range planning for conservation and development of water resources.***

The League of Women Voters of Oklahoma supports state policies and procedures that promote comprehensive long-range planning for conservation, management and protection of water resources. Such planning requires:

1. Better coordination and organization at the state level.
2. Elimination of inconsistencies and conflicts of interest among state agencies and between state and local interests responsible for water planning.
3. Coordination and cooperation with surrounding states and with federal government to meet present and future needs.
4. A reliable and timely database in order to consider all alternatives before decisions are made.
5. Support of research to enable the most fair and conservative use of water resources, tailoring future demands to supply.

The League believes that comprehensive water planning and management on a state and area wide basis is essential to the optimum use of the state's water resources. Conservation and protection should be a prerequisite of all water planning and management. Such management should balance the particular needs of each locality/area with state and regional interests. Mechanisms are needed, appropriate to each area, which will provide coordinated planning and administration among federal, state and local agencies. Procedures should be established and adhered to, which will provide information and an opportunity for citizen participation in policy decisions affecting the directions which water development will take. Preparation of a statewide water plan should include a socio-economic and environmental impact statement in which all alternatives are fairly evaluated. A clear indication should be made of the benefits, the costs and who pays. The federal and state governments have a necessary role in financing water resource development, but local governments and private users should share such costs.

Concerning both the quality and quantity of water in the State of Oklahoma, the League of Women Voters of Oklahoma supports:

- Regulation of all point and non-point pollution sources by enacting further legislation that includes monitoring, inspection, and meaningful penalties for noncompliance
- Stringent controls to protect the quality of current and potential drinking water supplies, whether ground water or surface water.

- Protection of watersheds and groundwater recharge areas are required for protection of surface and ground waters.
- Support ONE state agency for environmental inspection, regulation, permitting, and setting of standards.
- Agencies having responsibilities for both industry promotion and regulation have an inherent conflict of interest that should be eliminated. However, any agency involved in inspection, regulation, and/or permitting should be adequately funded to perform these duties.
- Enforce the statutes that currently exist.
- Amendment of the water usage laws of the State Constitution. Water usage laws were thrown into disarray by the State Supreme Court in the case of “Braly vs. the city of Ada”.
- Support policies that require pollution prevention and use of best management practices (BMP) or procedures that exceed BMP when available.

Consensus approved 1979

Position revised 1986

Position revised 1998

Although the League of Women Voters of the United States reached a position on water in 1958 and updated and revised it in 1960, delegates to the LWVOK Council in 1978 found that they shared a deep concern about the quality and quantity of water in Oklahoma. The Oklahoma City League had planned a water workshop in late June, to be called "Oklahoma Water, Supply and Demand." It was decided to seek funding and expand this workshop to include the whole state. Funding in the form of a mini-grant of \$100 was received from the LWVUS Education Fund, and the workshop was held June 22, 1978.

The morning session of the workshop consisted of panel discussion with the following panel members: Marvin Baker, environmentalist; Robert S. Kerr, Jr., supporter of water development; Jack Stone, representing agricultural needs; and Glenn Sullivan, representing industrial growth.

During the afternoon, "unit meetings" of League participants had discussion and arrived at consensus. This consensus was sent to local Leagues for their review and concurrence. In some Leagues, concurrence was reached by putting a tear-off response form in the local Voter. Concurrence was approved by the State Board in January 1979.

In 1985 recognizing the importance and urgency of environmental issues, The State Board created the environmental quality portfolio. The portfolio covered a wide spectrum of environmental issues, in addition to water. Most of the issues addressed are national League positions; state and local solid waste management, including solid waste disposal reform; recycling and regional planning; hazardous waste disposal reform and minimization of toxic waste; reduction of point and non- point sources of contamination to both surface and ground water; maintenance of quality drinking water; and the diversion of water to out-of-state sites.

In 1989, through grants from LWVOK Citizens Education Fund and the Oklahoma Wildlife Federation, the League published *Oklahoma's Drinking Water*. Among the topics addressed in the

book are natural factors that affect the quality of drinking water sources, how public water systems operate, the role of the regulatory agencies, contamination by pollution, and the impact of federal regulations. A key concern noted was the ability of the small public water systems (90 percent of Oklahoma's 2583 public water systems serve populations of less than 3,300 people) to bear the burden of additional treatment and testing imposed under the 1989 Federal Safe Drinking Water Amendments. ***Oklahoma's Drinking Water*** was praised by the Director of the Office of Drinking Water for EPA as "a good reference for study". In March 1991, Linda Walker (LWV – Bartlesville, principal author of ***Oklahoma's Drinking Water*** and LWVOK Environmental Chair) and Cheri Ezzell (LWV-Enid) were presenters at an LWVUS Groundwater Education Workshop in Washington, D. C. That fall, based on an application developed by Ezzell, The League of Women Voters of Enid received funding from EPA and the LWVUS Education Fund to implement a groundwater protection program for the City of Enid.

The primary environmental focus for the LWVOK during 1991 and 1992 was to support efforts to consolidate and streamline the environmental organizations. HB 2227 was enacted during the 1992 session; under the bill (effective July 1, 1993) Oklahoma has a fully functional Department of Environmental Quality (DEQ) that is responsible for the principal environmental regulatory functions of air quality, water quality, and solid and hazardous wastes. Per HB 2227, DEQ is overseen by a 13-member citizen board with expertise in environmental regulatory areas. Advisory boards in the various regulatory areas, assist the Environmental Quality Board in rule making. A standard complaint tracking system was also established under the new legislation. Linda Walker (LWV- Bartlesville) was named to the DEQ Board and 1991- 1993 LWVOK President Kathy Hinkle (LWV-Tulsa) was named to the Air Quality Council, one of the DEQ advisory boards.

In 1991, the passage of SB 518 amended its anti- corporate farming law, allowing foreign and corporate ownership of agricultural land. In 1993, the "Right to Farm" law (SB 147) was passed. This bill protected licensed concentrated animal feeding operations against nuisance suits from residents who lived three miles or more outside an incorporated city limit and had fewer than ten occupied homes per square mile. After the passage of these bills, corporate hog and chicken farming flourished in Oklahoma.

HB 2227 created the Department of Environmental Quality, which became functional July 1, 1993. This was an attempt to consolidate environmental regulation into one agency, however, in the next legislative session, regulation of all agricultural operations was returned to the Department of Agriculture. Regulation of the oil and gas industry was returned to the Corporation Commission. In fact, there are still several agencies that are involved in environmental regulation and permitting.

HB 1522 was enacted in 1997 in an attempt to regulate the hog industry. SB 1170 and SB 1175 were passed in 1998 to add additional regulations to the hog industry and to regulate the chicken industry for the first time.

These measures are good first steps toward regulation of these industries, but they still fall short of being environmentally protective.

5/12/99

# **League of Women Voters of Oklahoma**

## **Position on Water**

**Adopted May 31, 2013**

**By the Board of Directors**

**Presented to the State Convention on June 1, 2013**

The League of Women Voters of Oklahoma believes that water is a life-sustaining resource and that access to water is a basic human right.

The League of Women Voters of Oklahoma believes that water belongs to the people and that Oklahoma laws must be based on and reflect that status. We oppose the concept of strict adherence to private ownership of water (Riparian rights) because it contradicts these principles.

Both water quality and quantity must be safeguarded. Water conservation should be the primary method of ensuring adequate water for present and future needs. Pollution of water resources should be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health.

Water regulations currently in place should be strictly enforced and agencies or entities given responsibility for the regulatory process should be funded to a level that reflects the intent of the laws upon which the regulations are based. A combination of incentives and punishments should be used in a manner that deters or reinforces the targeted behavior effectively.

The League of Women Voters of Oklahoma supports full disclosure of all chemicals used in any process that affects the quality of water to the appropriate government agency and that access to this information be made available to the public.

The League of Women Voters of Oklahoma supports continued education at all levels on the importance of water conservation, quality and availability.

The League of Women Voters of Oklahoma supports on-going long-term planning efforts regarding water resources, watersheds and infrastructure.

## **Background**

1. **Purpose:** To study and update the current (incomplete) LWVOK position on water so that it is aligned with the LWVUS position on water resources and is pertinent to the unique issues of water use, management, ownership and quality as they exist in Oklahoma.

2. **Scope:** The study would potentially investigate and cover major watersheds and aquifers in the state of Oklahoma, current water use and potential future needs for water in the state, water ownership and sale of water rights and other issues that may arise during the course of the study.

3. **Resources Needed:** The state study committee would identify three to five study committee members to lead the study, contact local leagues and make presentations to help form local task groups to assist with the study, and contact both governmental agencies and non-governmental organizations working on water and watershed issues in the region, invite assistance from academic studies of water issues in Oklahoma, and other potential sources of information and education on Oklahoma water resources. It is anticipated that the study would require approximately \$500 in start-up funding from LWVOK, while other grant funding may be available to cover other costs of the statewide study.

Approved May 21, 2011  
LWVOK 2011 Convention  
Norman, Oklahoma

### **Water Study Committee Members:**

Julie Skye - Chair  
Ron Wilkinson  
Sheila Swearingen  
Dortha Dunlap  
Barbara Wilson  
Sandy Bahan  
Helen Duchon  
Barbara Van Hanken  
Valerie Bloodgood  
Gladeena Allred  
Mary Jane Lindaman - Facilitator

### **Study Process**

Early meetings of the committee focused on water law and were attended at times by Gary Allison, University of Tulsa law professor and expert on Oklahoma water law. The Committee established a timeline and determined what areas of focus should be included in the study.

A meeting was held in June 2012 in Stroud of the committee to better define the study action plan. The following areas of concern were identified relative to the existing League of Women Voters of Oklahoma position on water:

1. Inadequate language for major law concerns
2. Inadequate public financing of water infrastructure
3. No position on fracking
4. Necessity for adequate legal and agency personnel for enforcement purposes

5. Point and non-point pollution penalties and enforcement
6. Need for consistent definitions
7. Existing method for handling complaints and protecting the public

Research assignments were made and future meetings revolved around reporting on and digesting the research.

Additional meetings were held in Stillwater and Tulsa.

The consensus topics were determined to be as follows:

- Water Availability
- Water Conservation
- Water Quality
- Fracking
- Funding, Enforcement and Legal Implications of Water in Oklahoma

Consensus questions for each topic were developed and submitted to the LWVOK Board for approval in at the September 2012 Board meeting prior to distribution to state League chapters for the consensus process. A study guide was developed including articles and reference sources for each topic.

Materials were distributed to the local Leagues on October 15, 2012. The deadline for completion of the consensus process was March 15, 2013.

Consensus reports were received from League chapters in Norman, Stillwater, Tulsa and Lawton. A spreadsheet was developed with all of the responses to the consensus questions and this was distributed to all committee members for review. A committee meeting was held in Tulsa on May 19, 2013 to tackle drafting a new position on water. That draft was distributed by email to the committee for final comment, amended based on those comments and the final position was agreed on. Mary Jane Lindaman emailed this final position to the committee members and to co-presidents, Mary Jo Neal and Karen Melcher.

# **SOCIAL POLICY**

## **EDUCATION**

*Support of strengthened financial and administration structures which would provide for quality education in Oklahoma.*

**EDUCATION FINANCE: COMMON, HIGHER** - The League of Women Voters of Oklahoma believes that improved financing is the key to providing equal opportunity for quality education for all children in Oklahoma. It believes that the state should assume the major responsibility for financing common school education. The state should also assume the responsibility for improving and equalizing financial resources among the school districts. The major portion of financing for common schools should come from state funds moving away from a base of ad valorem taxes. Overall tax reform must be achieved with continued improvement of assessment practices and the removal of constitutional limitation on millage.

Broad based sources, such as income and sales taxes, should be considered in providing funds for education. The League of Women Voters of Oklahoma supports mandatory kindergarten education for all children. School districts should be required to establish and provide a kindergarten program in which parents are required to enroll their children. The state legislature should continue to appropriate funds to finance kindergarten.

The League of Women Voters of Oklahoma supports an expanded program of special education services including those for gifted children. Early identification of children needing these services is essential. We believe additional funding is necessary.

While recognizing the need for tax reform, the League of Women Voters of Oklahoma will continue to support:

- Removal of loopholes in tax laws and exemption from property taxes; and
- The requirement that each school district vote the maximum millage.

Consideration should be given to formulas for state aid other than A.D.A. (Average Daily Attendance).

The League of Women Voters of Oklahoma believes that improved financing, accountability of expenditures, and more efficient financial procedures are the keys to providing quality higher education in Oklahoma. It believes that the state government should assume the major responsibility for financing state institutions of higher learning.

The system of education in Oklahoma should provide guidance to students so that they may enter programs for which they are best suited. There should be continuing evaluation of duplicated high cost specialized programs.

**ADMINISTRATION OF HIGHER EDUCATION** - The League of Women Voters of Oklahoma believes that the boards of higher education should be restructured in order to provide better

governance of the system. The coordinating board, the State Board of Regents for Higher Education, should remain a constitutional board.

The League of Women Voters of Oklahoma believes that vocational-technical education should play a larger role in the story of total education. Counseling in career education needs emphasis, and greater opportunities for youth and adults in vocational-technical education need to be provided.

**ADMINISTRATION OF COMMON SCHOOLS** - The League of Women Voters of Oklahoma believes that the state Superintendent of Public Instruction should be appointed.

Whether appointed or elected, the members of the State Board of Education should be selected to represent districts based on population such as congressional districts.

The League of Women Voters of Oklahoma supports the reorganization of school districts for quality education and believes that we should continue to support equalized collection and distribution of ad valorem taxes.

**ACCOUNTABILITY** - The League of Women Voters of Oklahoma believes that any system of accountability must include the following criteria: goal setting, citizen involvement, and evaluation.

In a system of accountability, goals must be set and evaluation must be made to determine that the goals have been achieved. Furthermore, citizen involvement is of prime importance in both goal setting and evaluation.

Consensus approved 1973

**TEXTBOOK SELECTION** - The League of Women Voters of Oklahoma believes that the State Board of Education should maintain a statewide adoption process for the selection of textbooks but not limit the approved items to any specific number—only approve or disapprove all submitted materials. The adoption process should have the flexibility to include both textbooks and other learning materials. The textbook should not be the sole source of information available for use in the classroom. Local school districts should be permitted to use state appropriated textbook funds to purchase learning materials appropriate to a course of study.

The League of Women Voters of Oklahoma believes that the selection criteria used by the State Textbook Committee should be re-evaluated and all redundant, obsolete, inappropriate, and insignificant items removed. The criteria should be re-evaluated in terms of objective treatment of subject matter, clarity, applicability and usefulness to evaluators.

Teachers charged with the responsibility of selecting instructional materials at either the state or local level should be given adequate time free of other duties to accomplish the task.

Selection committee members at both the state and local level should be trained to critically analyze materials in relation to the curriculum, accuracy of content, and appropriateness of method. Such



training should be required, and could be provided through in-service opportunities and/or teacher education courses.

Selection committee members should be encouraged to use textbook evaluations prepared by professional organizations to assist in their selections. Results of field testing or pilot programs should also be considered in the selection of all instructional materials.

Refusal to adopt a certain textbook or series should be accompanied by an explanation of the reasons for that rejection to the publisher.

Revised consensus approved 1986

**CORPORAL PUNISHMENT** - The League of Women Voters of Oklahoma opposes corporal punishment in the public schools of Oklahoma. The League believes that the basic constitutional rights of all persons, regardless of age, must be protected. The League feels that the most effective approaches to discipline in the public schools emphasize preventive, diagnostic and remedial measures and help to instill self-respect in children and adolescents.

Concurrence approved by Convention 1989

Concern for the quality of education provided Oklahoma's children has been a thread running through League program positions for decades. The current education positions reflect the intense national interest in improving the equality of opportunity for quality education that arose in the 1970's. Oklahoma focused its attention on improving administrative structures and the manner in which education (both common and higher) was funded.

**ADMINISTRATIVE STRUCTURES** - Early study and consensus called for mandatory kindergartens. The 33rd Legislature made kindergarten a reality with local districts offering free kindergartens by September 1, 1974. However, kindergartens were still not mandatory for all students. The League worked for expanded special education services for both the handicapped and the gifted and talented child, and the same 33rd Legislature made provision for the establishment of 250 new special education classes for the 1971-72 school year. The revised state aid formula established by the 39th Legislature also addressed the problem of increased costs for special education programs by weighting various categories of special education students. Programs for gifted and talented students were provided funding through this same weighting system and were to be implemented over a three-year period beginning in the 1981-82 school year and to be completed by the 1983-84 school year.

The League addressed the use of both Average Daily Attendance (ADA) and Average Daily Membership (ADM) as a basis for determining state aid. This was a part of the new equalization formula that was established by the 39th Legislature to more equitably distribute funds to local school districts. Since its inception the new formula has not been allowed to work as intended, however. The "hold harmless" clause, which was to protect districts from receiving less than they did the year before the new formula was adopted, has prevented the bulk of state aid from going through the formula. The

41st Legislature adopted a "phase out" of "hold harmless" funding. This will allow more state funds to funnel through the formula.

An additional roadblock to the funding formula is the number of line item appropriations that are not based on the formula. Although the number of these items has been reduced, there is still a large amount of appropriated funds that is not distributed based on the established criteria of the funding formula.

Study of vocational-technical education led the League to support expansion of such programs and since the adoption of this position, we have seen the Legislature set up the mechanism for the formation, governance and funding of area vocational-technical schools. Oklahoma now has one of the premier vocational-technical programs in the United States.

Other support positions have addressed textbook selection, the need for counseling programs in elementary grades, abolishing the office of County Superintendent of Schools, consolidation of some school districts, and smaller class size. The League also backed concepts set forth in legislation passed in the second session of the 39th Legislature, calling for more stringent qualifications for educators entering the profession and giving support for continuing in-service training. Much of what has been accomplished in the field of education in Oklahoma has had the active backing of the League.

**EDUCATION FINANCE** - Inequities in school funding, as they related to disparities in opportunity for quality education for Oklahoma school children, provided the driving force that directed the LWVOK to seek a change in the system. League study has examined the present system, based on a combination of local ad valorem taxes and state support, and concluded that changes needed to be made for the benefit of all the children in the state.

To achieve the reform, the League considered a lawsuit challenging the ad valorem tax system as practiced in Oklahoma that causes variation in assessment percentages among and within counties. The League participated as amicus curiae in a successful suit brought by Rep. William Poutos (D-Tulsa) requiring the State Board of Equalization to fulfill its constitutional duty to equalize ad valorem taxes across the state.

The League also pursued action at the legislative level by giving support to efforts to create equalization in school funding either by moving toward full state funding or by instituting a system which eliminated mandated programs in favor of a new weighted formula which more fairly distributes state aid to education. The full state funding concept evaporated but a new equalization formula was established, as mentioned above. The League's citizen awareness campaign funded by the League of Women Voters Education Fund helped build support for the new system.

**HOUSE BILL 1017: THE EDUCATION REFORM AND FUNDING ACT OF 1990** - In the summer of 1989, Governor Henry Bellmon called a special session of the legislature to address problems in the state's education system. The League was involved in extensive lobbying for the passage of H.B. 1017, the Education Reform and Funding Act of 1990. With the passage of HB 1017 several long standing League education positions were implemented. Among League positions that

became law are some dealing with the administration and structure of the common education system and the funding of this system.

**H.B. 1017** mandates that all schools meet standards equal to or greater than those of the North Central Accrediting Association. Some of these standards include improved curriculum, better access to counselors, and class size reduction. Failure to meet standards will result in reorganization or consolidation of districts. H.B. 1017 also abolishes the office of County Superintendent of Schools and mandates half- day kindergarten attendance.

**H.B. 1017** improved funding to Oklahoma's public school system by adding earmarked sales and income tax hikes to fund mandates of the bill. This increase in funding gave an additional \$230 million to the public school system in the first year. Equity among districts has not yet been achieved. A constitutional amendment to implement the Common School Fund failed in the summer of 1990. The League continues to work for improved and equitable funding.

With H.B. 1017, Oklahoma took a giant step toward improving its system of public education. However, as soon as it was passed an anti-tax movement started a petition to overturn the bill. The League continues to work to keep the reform and funding provided by this landmark piece of legislation.

**CORPORAL PUNISHMENT** - Delegates to the 1989 State League Convention voted to adopt a position statement opposing the use of corporal punishment in the public schools. This new position was based on the belief that the basic constitutional rights of all persons, regardless of age, must be protected. In the 1991 Legislative session, a bill was introduced in the House to prohibit corporal punishment in the public schools. The bill was never passed out of the House Education Committee.

In the summer of 1992, the League participated in a coalition that urged the State School Board to implement a two-year moratorium on corporal punishment in Oklahoma's public schools. The Board voted unanimously to institute a moratorium. After receiving much heat over local control the board said the moratorium was only a "suggestion". During the following legislative session, several bills affirming the use of corporal punishment were introduced in the House and killed in the Senate.

Local Leagues have been successful in asking school districts to place moratoriums and later bans on corporal punishment. This avoids the perception of a state mandate on local districts.

**TEXTBOOK SELECTION** – In 1992, the House and Senate joined in an interim study to recommend legislation on textbook reform to the 1993 Legislative Session. The panel of educators and Legislators returned with suggestions for legislation which were essentially recommendations made by the League following the 1986 Textbook Study. The bill was passed and the reforms were implemented.

5/12/99

# CONCURRENCE ON EDUCATION CURRICULUM

*The scope of this study was limited to the secondary school curriculum.*

## BACKGROUND INFORMATION

The LWV of Stillwater recommended in 2001 a study on the curriculum offered at the high school level of common schools. The LWVOK adopted this study at Convention 2001. This study looked at the history of curriculum development in Oklahoma and looked at the curriculum presently offered in high schools. The study focused on mandates legislated by the state and federal governments and the curriculum concerns of school administrators.

HB2886, which was passed in 2001, mandated requirements for high school graduation in Oklahoma. These requirements include:

- 3 units of mathematics, base level Algebra I
- 3 units of science, base level Biology I
- 4 units of language arts
- 3 units of social sciences
- 2 units of arts
- 2 units of foreign language, not required but encouraged

Course material is based on sets of competencies specified in the Priority Academic Student Skills (PASS) adopted by the State Board of Education in 2002. These PASS standards are available to the public.

In 2001 the federal government passed the *No Child Left Behind Act* which mandated tests to evaluate which schools' students met educational standards and listed steps to be taken if a school's test scores did not meet standards.

It should be noted that 50.1% of Oklahoma's High School Graduates went directly to a public college or university in Oklahoma. Of these 36.65% took at least one remedial course. During high school 39.5% of the students participated in Career-tech programs.

To obtain information from school administrators, questionnaires were sent to school administrators in districts throughout the state. In addition some school administrators were interviewed by League members. Sixty-four school administrators responded. The number of students in the high schools that responded varied from 38 to 4000 and these responses covered schools from the panhandle to the eastern border. At least one private school responded.

From interviews the League concluded that the Oklahoma High Schools have succeeded in meeting the graduation requirements mandated in HB 2886. The majority of the administrators agree with the concept of the stated mandates, but local district concerns were stated.

This overarching concern of the school administrators about legislated mandates on curriculum was too little flexibility. The curriculum needs to be flexible to meet the needs of both college-bound and

vocation-bound students. Flexibility in math requirements was a concern, especially with the base Algebra I course.

Concerns about conflicts with art, music, agricultural classes, career tech, band, and other electives were mentioned. A large percentage of administrators wanted more local control. Others however, felt in some instances state control might eliminate some conflicts with the local school board.

Administrators throughout the state believed that teachers did control the curriculum in their classes. Upon closer investigation it was found that teachers do have input on the curriculum only after mandates and the PASS objectives were met.

### **Consensus**

The LWVOK recommends that the legislature review the expansive core requirements in HB2886 to allow for options in electives and options in meeting graduation requirements to reflect the values of the local district.

It is suggested that professional educators, legislators, and citizens work together to decide the core requirements necessary for all Oklahoma students to graduate. The basic core requirements for high school graduation should emphasize:

- Math, with special notice of the Algebra course
- Science
- Government, Economics, and History
- Language Arts

The League strongly suggests that in order to graduate all students complete the basic core requirements listed above.

The LWVOK believes that the legislature should not mandate the individual class objectives of local districts or PASS (Priority Academic Student Skills) objectives. PASS objectives should continue to be regulated by a committee of professional educators, classroom teachers and administrators. The objectives should be consistent in all classrooms throughout the state. PASS objectives for all courses required for graduation should continue to be available to the public.

The LWVOK suggests that local districts concentrate on offering a variety of electives that emphasize knowledge for generating informed future votes and the development of life skills.

If a school or school district cannot meet mandates, the LWVOK believes that state or federal resources should be available to help meet the mandates. To help meet the challenges of offering advanced courses and electives the League suggests high schools look to higher education institutions, including community and junior colleges, as well as vo-tech schools.

Approved January 2005

## **CORRECTIONS SYSTEM**

### ***Support for an improved Oklahoma penal system.***

**LAWS, AGENCIES, AND INSTITUTIONS** – The League of Women Voters of Oklahoma believes that the present correctional system of Oklahoma is inadequate and should be improved. It believes that the following standards should be implemented:

1. All administrative officers in the Department of Corrections should be required to have at least a degree in the behavioral sciences and experience in corrections. The “experience equivalent” clause should be deleted from the present statutes that establish the Oklahoma Department of Corrections.
2. The Division of Inspection should be implemented under the Department of Corrections.
3. A pre-sentence investigation should be required on every convicted felon.
4. A centrally located diagnostic facility, staffed with professionally qualified personnel, should be established near a metropolitan area that can provide readily available expertise. The proper placement or assignment of convicted felons should be made from this facility based on professional evaluation.
5. A centralized prisoner record system should be established, either at the diagnostic center or the Department of Corrections where records would not be available to prisoners.

The State institutional facilities should include the following:

1. One maximum-security facility for the state with the prisoner population limited to not more than 500.
2. More medium-security facilities, limited in size and near metropolitan areas
3. More community treatment centers established as minimum security facilities.
4. Training and education programs should be provided with emphasis on programs for medium and minimum-security inmates.
5. The League supports utilization of community rehabilitation measures as effective means to decrease the present system of centralized imprisonment.

Consensus approved 1975

**SENTENCING** - The League of Women Voters of Oklahoma believes that the primary purpose of imposing criminal sanctions is for the protection of the public. Rehabilitation is one means of achieving this purpose.

Sentences should be uniform throughout the state; there should be no gross disparity between sentences imposed for the same kind of crime. Sentences should be fair, provide certainty for the convicted, and be tied in a reasonable way to the crime. Sentencing for criminal acts should be determined by judges, rather than juries.

Sentences imposed should be within specific guidelines established by the legislature or by a sentencing commission. Judges should be accountable for imposing sentences within the guidelines.

The League of Women Voters of Oklahoma believes that the current felony limit should be raised. Any felony limits established should be reviewed and updated periodically.

Sentencing other than imprisonment should play a major role in the criminal justice system. A wide variety of alternative sentences closely tied to community resources and involvement should be used. Because they are most effective in economic and human terms for the protection of society, alternatives to incarceration must be an integral part of the sentencing process.

The community has the responsibility to be involved at all stages of the criminal justice system-study, planning, education and policy-making. It should provide support for a sound restitution program, reintegration of violators into community life, and prevention programs.

Consensus approved 1979

**PAROLE** – The League of Women Voters of Oklahoma supports the creation of a State Pardon and Parole Board composed of three to five full time members. The League believes the Board should be the sole authority for the granting of paroles with the governor removed from any involvement in the parole granting process. Qualification requirements for Board members should include personal qualifications and integrity consistent with those expected of high judicial officers that would command the trust and respect of the public. Educational requirements would be those that qualify the individual for professional status in such fields as criminology, education, psychology and other social sciences. Board members should also have experience in many fields of corrections that would enable them to understand intimately the problems confronting both offenders and correctional officials. No member of the Pardon and Parole Board should be an officer of any political party or seek to hold elective office while a member of the Board. Members should serve staggered terms. The League believes that the method of appointment of members of the Pardon and Parole Board should be such that partisan politics would be minimized in the parole process.

An individualized parole plan based on uniform criteria should be developed for each inmate when he enters the prison system. The criteria should be clearly defined. A standard procedure should be developed for a systematic review of each inmate, and inmate counseling should be provided periodically as to progress made in meeting the requirements of the parole plan. All parole investigations and reports should be done by professionally qualified personnel.

Prison rules and regulations should be clear, reasonable, and well defined. Every effort needs to be made to insure prisoners' understanding of the rules. Good time should be vested with maximum limits set on the amount lost per infraction. In disciplinary action, due process must be protected. An ombudsman system should be established.

Parole officers should be professionally qualified and have reduced caseloads. Rules and the period of supervision for parolees should be individualized and realistic. Services need to be offered to bridge the gap between institution and society.

The League believes that procedures for revoking parole should insure that parolees are entitled to minimum requirements of "due process." Parolees should have legal counsel and the right to subpoena witnesses.

## BACKGROUND INFORMATION

The League's adoption of the Oklahoma correctional system as a study in the spring of 1973 proved timely, as a major riot at McAlester state prison that summer focused state attention on the need for reform of Oklahoma's prisons. The Legislature, prodded by the report of a special task force committee that investigated the riot, moved the state forward, improving the correctional system. However, the most significant development in correctional reform came, not from the actions by the Legislature or the executive branch, but from the judiciary in the form of a court order by U. S. District Judge Luther Bohanon. His orders to correct discrimination and unlawful actions mandated changes

in the area of:

- Racial discrimination in cell and job assignment;
- Harsh discipline actions;
- Harsh confinement and lack of exercise;
- Use of chemical agents'
- Meals;
- Medical care;
- Correspondence and subscriptions to publications;
- Access to courts and legal books;
- Religious freedom; and
- Security and staffing.

Both the post-riot Legislative Task Force and the Master Plan for Oklahoma Corrections gave top priority to reduction of the inmate population through use of alternatives to incarceration. This has not taken place.

Upon completion of our first two studies, *Laws, Agencies and Institutions* and *The Parole System in Oklahoma*, an awareness that the consensus at which we had arrived must be preceded or accompanied by other changes, led to the 1977 Convention's adopting a further study of parole and a new study of sentencing.

The League continues to address the issues of:

- Prison overcrowding;
- Alternatives to incarceration;
- Over incarceration;
- Disproportionate incarceration of women and minorities;
- Training and education programs;
- Under-utilization of parole;
- Large-scale early releases and emergency releases;
- Specialized treatment of categories of offenders such as drunk drivers and sex offenders;
- Sentencing reform;



- Siting of community treatment centers
- Full-time Pardon and Parole Board;
- Community involvement; and
- Education of the public on criminal justice issues

Several League positions have been accomplished:

- All administrative officers in the Department of Corrections are required to have at least a degree in the behavioral sciences and experience in criminology. The “experience equivalent” clause has been deleted from the present statutes that establish the Oklahoma Department of Corrections.
- The Division of Inspection has been implemented under the Department of Corrections.
- A centrally located diagnostic facility, staffed with professionally qualified personnel, has been established at the Lexington facility. The proper placement or assignment of convicted felons, based on professional evaluation, is made from this facility.
- A centralized prisoner record system has been established.
- An individualized parole plan based on uniform criteria is developed for each inmate when he enters the prison system.
- All counties now have the option to use community service sentencing when offenders remain their home communities and make restitution.

The state added two new institutions in 1988 – one for women and one for young male offenders, and in 1990 added 350 more beds to the maximum-security facility at McAlistar. However, overcrowding continues to be a major problem. The riot at Mack Alford Correction Center in Stringtown in 1988 was caused by overcrowding. The programs offered by the Department of Corrections are excellent, but access is curtailed by unpredictable discharge dates and the heavy use of the early release programs caused by overcrowding. Although the 1990 Legislature appropriated funds to staff three work camps, no funds are available to construct the work camps. Capital improvements are currently on hold with no new money appropriated for emergency repairs.

In 1988, a Criminal Justice System Task Force was appointed by the Governor to examine ways to reduce prison overcrowding. One of the 18-member task force was a League member who held the Corrections Portfolio for several years. Task Force Recommendations led to creation of two important committees: 1) Re-codification of the Criminal Code Committee; and 2) Sentencing and Release Policy Committee. Final recommendations are due by March 1992.

Rates of imprisonment for the United States and the State of Oklahoma began to climb in the mid-1970s and showed no sign of a decline. Oklahoma remained, in 1993, the state with the highest rate for incarceration of women and had the fourth highest incarceration rate for men. There were over 12,000 people serving sentences in correctional facilities in Oklahoma with 57.6 percent of crimes non-violent and 42.4 percent violent. The average sentence was 15 years; however, average time served was only 20 months. Drug offenses at 23 percent were the fastest growing category of new receptions.

Due to increasing demand on the system and lack of resources to build new prisons, SB 565 (Prison Population Management Act) was passed in 1993. This Act provided for a system of supervised release when the prison system’s population exceeded 97.5 percent of capacity.

Only non-violent offenders, within 24 months, of parole were eligible for release. The prisoner had to complete the required rehabilitation, education, or substance abuse program for his or her case. SB 565 also required active community supervision, for inmates participating in the program. Although this bill was passed in 1993, by spring of 1994, the Legislature had been challenged by public opinion and a court case.

As of 1996, there appeared to be both public and Legislative momentum to plan comprehensive sentencing reform. Various reform groups in steering committees worked to write a balanced reform bill that focused on the need for truth in sentencing (and hence an end to early release) and to design alternative punishments that would be rehabilitative in nature, but would have sufficient safe guards to protect the public. The bill, HB 1213, called the Truth-in-Sentencing and Community Corrections Act, addressed both problems in exhaustive detail. It passed with nearly a unanimous vote and was signed by the Governor at the end of the 1996 session.

However since then, progress has stalled and no provisions of the bill have taken effect. At the time of this writing, just prior to the LWVOK 1999 State Convention, the legislature has delayed implementation, has not funded any county to provide community services, and is unsure of the fate of the sentencing guidelines. At the same time, prison crowding is worse than ever with 20,000 in custody. Conditions in the institutions are deteriorating especially in the areas of medical services, mental health services, and staff retention. There is decreasing commitment to the importance of family visitation, educational programs, and the need to prepare inmates for successful release into their communities. There is increasing commitment to the use of private prisons that charge more per diem and while clean, new, and safe, do not provide much education or training.

As the end of the legislative session nears, no comprehensive reform is expected although it is certainly still needed.

5/12/99

## **RE-INTEGRATION OF FEMALE OFFENDERS**

### ***Support for successful re-integration of female offenders.***

Recognizing that Oklahoma can take no pride in incarcerating such a high percentage of its female population, the League of Women voters of Oklahoma conducted a two-year study of some of the barriers to successful reintegration. The barriers selected were: 1) Restoration of voting rights, 2) Adequate housing, 3) Medical Care, and 4) employment. With improvements in these areas, it was concluded that there would be a real possibility of successful re-integration, a decrease in the recidivism rate, and improved lives for former offenders and their children that would help eliminate the generational incarceration in families currently occurring.

The position of the LWVOK on these issues is:

**Restoration of Voting Rights** – The right to vote in Oklahoma should be restored to former offenders upon discharge of all current sentences. At present, a person with felony convictions cannot vote until the time of original judgment and sentence has passed. Currently the law is confusing even for county election boards. Legislation changing the requirement would help remove the possibility of misinterpretation.

**Employment** – The ability of the Department of Corrections in Oklahoma to provide programs to improve job skills while incarcerated is greatly hampered by inadequate funding. The LWVOK should educate Legislators on these issues and advocate for improved funding on the state and federal levels. Upon release from prison, transportation to work becomes an issue and the LWVOK should work in the community to create innovative ways to meet these needs.

**Housing** – Availability of decent, affordable housing is limited especially for women coming into the community from prison with immediate concerns for housing for themselves and their children. As an example, Title VIII housing requires an individual with a drug or violence charge within the preceding three years to complete courses dealing with substance and/or anger management. Adequate funding must be provided for the Department of Corrections to offer these courses and provide documentation of completion. In addition, the Department of Corrections should assist inmates in obtaining all other documents that will be required for access to housing as well as other needs upon their release from prison.

**Health Care** – No prisoner should be denied necessary and appropriate health care. This includes substance abuse and dental and mental health programs. Access to adequate care on release from prison would be facilitated if offenders were provided with a complete record of their treatment in all areas upon release. Once again, LWVOK should do what is necessary to see that funding for this is available. As access to dental care is the most difficult upon release, LWVOK should do what is necessary to see that funding for this is available. As access to dental care is the most difficult upon release, LWVOK should network with others in the community to see that the care is available.

As a means of assisting the Department of Corrections, the LWVOK will develop directories of services available in the various parts of the state and these directories will be provided to women leaving the prison system. The LWVOK will work with the Department of Corrections and other entities in the community to see that these four barriers to successful reintegration are reduced or completely eliminated.

Consensus approved in 2007

## **FISCAL POLICY**

### **Support of a sound fiscal policy in Oklahoma.**

The League of Women Voters of Oklahoma believes a tax system should provide adequate funds for essential government services without creating inequities in assessing taxes according to ability to pay. Oklahoma's tax system would be improved by:

- a reduction of earmarking of state revenues;
- having all property taxes of public service properties in the state collected on a statewide basis, then allocated to the various school districts on a formula basis;
- repealing the sales tax on food and prescription drugs;<sup>1</sup>
- raising the corporate income tax;
- providing the statewide distribution of the gross production tax revenue dedicated for common schools.

The League believes trusts and authorities should be more accountable.

The League also believes there should be a comprehensive study of the collection, allocation and administration of state revenues by a qualified, impartial committee, financed by the state.

**PROPERTY TAX ASSESSMENT PROCEDURES** - The League of Women Voters of Oklahoma believes in the need for reforms in assessment procedures including support of appointment of county assessors and of measures that would bring about equalization of tax assessments among and within counties. County assessors should:

- have professional qualifications;
- be appointed by a board composed of a combination of local and county officials from a list certified by a state agency;
- be required to take training provided by the state;
- follow prescribed uniform statewide assessment procedures.

The League believes the Oklahoma Tax Commission should have the authority to enforce the above assessment procedures and should conduct sales/ratio studies and make the information public.

The League recommends periodic re-evaluation either on a statewide or county basis, with provisions to keep appraisals at current market value.

**PROPERTY TAX EXEMPTION REFORM** - The League of Women Voters of Oklahoma believes that all tax-exempt property should be evaluated regularly and the results should be made public record. The League favors exemptions on real property that afford relief to the low-income family, believes that all tax exemptions on Industrial Trusts should be for a shorter period of time than

---

<sup>1</sup> Sales tax on prescription drugs repealed, effective July 1, 1982

the present provisions which allow 30 years<sup>2</sup> and should not be renewable, and believes tax exemptions for charitable, religious and educational institutions should apply only to property used for such purposes. Any other property owned by such institutions should not be tax exempt. The League favors abolishing the personal property tax on household goods; however, as long as the tax in effect, all household property, including that of renters, should be taxed.

**MUNICIPAL FINANCE** - The League of Women Voters of Oklahoma supports additional means of providing adequate revenues for municipalities. The League favors granting cities additional optional taxing powers and reallocation of existing revenues. The League also favors a municipal representative on county excise boards.

Consensus approved 1975, 1980, 1981, and 1989

League members began a study of Oklahoma fiscal policy in 1959 when "Know Your State: A Study of Fiscal Management" was adopted by League Convention delegates. In 1960, the study centered around the principles of taxation and an analysis of Oklahoma's tax structure as related to a good, basic tax structure. The practice of earmarking funds received particular attention. During 1961 and 1962, emphasis was placed on study of assessment procedures and equalization of ad valorem taxes among counties. In 1963 and 1965, the League successfully supported legislation giving cities additional taxing powers. In 1968 the booklet, *Understanding State Finance*, was published to update members.

A study of funding for common schools in Oklahoma reemphasized the effect of inequities in the administration of ad valorem taxes. In 1972, the League hired an attorney to test the Oklahoma procedure that causes variation in assessment percentages within and among counties. The suit was never filed because of the impact of the March 1973 U.S. Supreme Court decision in the *Rodriques vs. San Antonio Independent School District* case. The court ruled that, although property tax systems need reform, education is not among the rights guaranteed by the U.S. Constitution and reform is up to the state lawmakers.

In 1973 Convention delegates adopted "*A Comparative Study of Ad Valorem Tax Systems*" as the study item, so that the League would be able to evaluate proposed changes. In March 1974, the League co-sponsored a statewide workshop, "The Property Tax—Success or Failure in Paying for Education?" The booklet, *Ad Valorem Tax: Real or Unreal*, was published. The study examines practices and procedures for correcting inequities in the administration of property tax.

In April 1975, the State Supreme Court ruled that the State Board of Equalization must fulfill its constitutional duties and equalize ad valorem taxes across the state. A special assessment ratio study

---

<sup>2</sup> Legislature, in 1977, reduced exemption to 10 years. The Attorney General ruled, in 1979, that property held by public trust is not exempt from ad valorem taxes unless it involved a government entity or an operation that is otherwise exempt from taxation. A constitutional amendment was passed in November 1985 granting exemptions for five years to new or expanding manufacturing plants.

was made which established three categories for each county - agricultural, residential, and commercial/industrial property. Also, a 1981 Attorney General's opinion prohibited the Tax Commission from measuring equalization through use of a composite ratio. In June 1981, 62 counties were in violation of property tax standards mandated by the State Supreme Court.

Another area of League concern has been the erosion of the property tax base due to the exemption of many properties from the tax rolls. The Attorney General ruled on July 31, 1979, that a tax exemption can not be granted a public trust unless permission for such exemption (charitable, religious, etc.) can be found within the framework of the Oklahoma Constitution. Tax exemptions other than for governmental entities are to be decided on a case-by-case basis. The opinion also held that the option to make payments of "sum in lieu ad valorem taxes" is void. The opinion was upheld by the Oklahoma Supreme Court.

Although the League has many positions relating to ad valorem taxes, it had been unable to act on various other "tax reform" measures considered by the Legislature. Delegates to the 1979 and 1981 Conventions adopted a study of the state tax structure that examined sources and allocation of revenue.

Through 1987, 1988, and 1989 ad valorem legislation continued to be closely monitored by the League of Women Voters. In order to be more effective, the League joined the F.A.I.R. (Fair Ad Valorem Is Reform) Coalition, as a means of having additional impact and influence. In 1988, major legislation was passed, through a bipartisan effort, for comprehensive changes in how the state assesses and taxes property. A part of that effort included a proposed constitutional amendment (S.Q. 614) to assess all property at 100% of its fair market value. A special election date was set but later rescinded by the legislature. The legislature again addressed ad valorem reform during the 1989 session and made a major commitment to the reform measures passed in 1988 by appropriating funds to begin implementing the new legislation.

In 1990 a LWVOK supported amendment passed which allows municipalities to borrow money to purchase, construct, or improve public utilities without levying an additional tax. Also approved was an amendment allowing the legislature to permit cities and counties to grant tax exemptions and other tax relief for certain areas that are in economic decline.

State Question 634 was supported by the League but defeated at the polls on June 26, 1990. It would have established a Common School Fund which would receive monies from gross production taxes, a portion of the vehicle license fees, and ad valorem taxes on public service, commercial/industrial and real property valued above \$500,000.

In 1992, the League opposed SQ 640 that would put all tax increases to a vote of the people. League believed that this violated the basic principle of representative government. Unfortunately, the amendment passed. One negative result of SQ 640 is the increased usage of earmarking which does not give the Legislature flexibility in the appropriation process.

5/12/99

## **JUDICIAL SYSTEM**

*In support of a modern, efficient court system accountable to the people.*

The League of Women Voters of Oklahoma believes the appellate defense system in Oklahoma must be maintained at a level which guarantees all United States constitutional rights to defendants; that the system should be adequately funded for indigent defense in each legislative budget, paid as a function of the executive department and at a level of appropriation which assures the Defender Division will operate in a timely, diligent, and efficient manner to carry out all of its responsibilities. The appellate defense system should rely on legislative appropriation to the executive branch for attorney fees for indigent defendants charged with first-degree murder. The LWVOK is opposed to the practice of paying attorneys from local court-generated fees or the state judicial fund.

The League of Women Voters of Oklahoma does not support the state's assuming the maintenance and utility expenses incurred by the district courts in each county courthouse.

The League of Women Voters believes that as a public policy body, the members of the Council on Judicial Complaints must be chosen in a manner which guarantees the public that the Council is independent of any political and special interest. The Council on Judicial Complaints should meet its responsibilities of public accountability with reports that reflect the actual outcome of judicial complaints from the public, using objective criteria, which protect privacy concerns yet adequately and fairly describe how each complaint was addressed.

The League of Women Voters of Oklahoma believes in the merit selection of all the judiciary. As long as there are judicial elections in Oklahoma, there should be a means of accountability to the voters. Therefore, the state rules for conducting all judicial elections must encourage the widest possible dissemination of information about the judicial system and the qualifications of judicial candidates. Information on judicial elections should be increased through the media. The League of Women Voters of Oklahoma strongly endorses the objective evaluation of state judicial performance for purposes of public information.

The League of Women Voters of Oklahoma favors alternative dispute resolution (ADR) methods and their expanded use. Sophisticated evaluation of the effect of ADR on citizen satisfaction, court caseload throughout the state system, and the increase or decrease in court- paid personnel should be encouraged.

The League of Women Voters of Oklahoma opposes all appearances of female gender bias in the state courts, as evidenced by any such treatment of female judges, attorneys and litigants, observable unequal treatment of men and women, and measurable effects that preconceived biases about women have on court cases and the persons involved. The League of Women Voters of Oklahoma believes a survey study of female gender bias in Oklahoma courts should be conducted, with the state courts providing subsequent educational efforts for court personnel and judicial officials.

Consensus approved 1993

The statement of the position is the result of consensus taken in Oklahoma local Leagues from October 1992 through February 1993. All but three Leagues participated in consensus and 121 members across Oklahoma voted on consensus. The consensus followed a year's study of the structure and jurisdiction of the Oklahoma court system by a state judicial study committee. The state judicial committee, chaired by Nancy Dodson (LWV-Tulsa), drafted an *Oklahoma Guide to the Courts*, as part of its work.

Delegates to the LWVOK State Convention in Enid, April 16-17, voted to support the new position on the state judicial department as a state program position for 1993-1995. The position was accepted by the State Board on April 16, and presented to the delegates the same day, with discussion of the suggested position and corrections to the statement occurring at that time.

The LWVOK Board voted on June 12, 1993 to re- establish the Judicial Study Committee as an action committee to implement the judicial study findings and the new judicial position of the conference on the courts, especially funding of such a conference, and to examine possible legislation and court rules which would implement the League's position.

The plan that was presented by the LWVOK Program Committee for the Board's consideration included the state plan that Nancy Dodson, Maria Protti, and Howard Conyers, Administrative Director of Oklahoma Court, developed at the American Judicature Society Workshop in Nashville in April-May on the future of state courts. The plan for Oklahoma was essentially:

- For the state courts and LWVOK to jointly plan a statewide futures conference for 1994-95, to include the state judiciary and court personnel, law schools, bar associations, students and law-related groups, and state special interest groups which reflect broad demographics of the state. Some mechanism must be built into the conference design, such as a courts' futures commission or committee which would continue the participation and enthusiasm engendered by the conference;
- To develop evaluation of the judiciary within the administration of the courts rather than through the legislature' and
- The Oklahoma Supreme Court would undertake long- range strategic planning for the courts.

In 1994, the State Judicial Institute awarded the LWVOK Citizens Education Fund a grant of \$19,850 to conduct citizens' meetings on the courts. The proposal indicated an in-kind match by the Oklahoma state courts of \$21,050 for time and travel of the judiciary and time of court personnel at the meeting sites. Included in the grant were funds to print 1000 copies of the technical guide, *A Citizens' Guide to Oklahoma Courts*.

5/12/99



## JUVENILE JUSTICE

### *Support of an improved juvenile justice system.*

The League of Women Voters of Oklahoma believes that the Oklahoma juvenile system should:

- Protect the basic constitutional rights of all parties;
- Reduce recidivism among offenders;
- Provide not only separation but also different treatment for delinquents, for dependent and neglected children and for children in need of supervision;
- Provide an adequate number of secure, local detention beds and regional treatment centers in order to ensure both appropriate treatment and protection of the public;
- Provide strict and certain consequences for serious criminal acts while preserving a system which has as its goal not punishment, but rather the teaching of responsible behavior, and
- Emphasize positive motivation, self-respect, and respect for the rules of society.

The League of Women Voters of Oklahoma believes that the juvenile justice system should serve the needs of the individual child by providing a wide range of placement options such as home placement, foster home care, group homes. Institutions should serve as a last resort for those who need secure placement.

The League of Women Voters of Oklahoma believes that early intervention, prevention, and diagnostic and remedial measures are crucial. Such services should be provided as early as possible to children and families with a demonstrated need for them. The school system should provide qualified personnel to identify emotional and physical problems and to provide remedial treatment as appropriate. Additional preventive measures might include family and youth counseling, recreational programs and after school programs.

The League of Women Voters of Oklahoma asks that coordination and cooperation between different parts of the system become priorities. Emphasis should be placed on solving or eliminating jurisdictional conflicts.

Resources are limited and children must be helped quickly if help is to be effective. If territorial attitudes or legal barriers cause fragmentation of services, it damages the children who come into the system and the public safety.

We should not easily give up hope for any individual child. The system should provide for frequent reviews of progress and compliance. The juvenile justice system should regularly evaluate programs based on results.

Individual cases should be followed longitudinally and regular evaluations made of each child's progress. The League of Women Voters of Oklahoma believes that these services should be adequately financed utilizing all sources, public and private, from national, state and local levels.

The League of Women Voters of Oklahoma believes that the Oklahoma code for children can be improved by:

- Greater insistence on the privacy of records and on the publication of opportunities and procedures of having records expunged;

- Training in juvenile and family law for judges;
- A family court in each judicial district;
- Special training for other personnel dealing with juveniles;
- Strict and certain consequences for repeat and violent offenders;
- Support for a reverse certification system for 16 and 17 year olds who commit serious or violent offenses;
- Individual certification process for younger offenders;
- Consequences which are appropriate to the age of the child and the offense committed; and
- Requirement for a professional assessment in every case which includes an analysis of the circumstances and nature of the crime, the age of the child, his or her previous record, current circumstances, knowledge, maturity, and capacity for rehabilitation.

The League believes that the system of juvenile justice should be improved by:

- The physical separation of children by age group and classification (i.e. delinquent children, those in need of supervision and dependent and neglected children);
- Provision of community based temporary facilities such as shelters, foster homes, group homes, etc.;
- Provision of community based or regional based facilities, both temporary and permanent, separate from adult jails and institutions for serious offenders;
- Involvement of the parents in community based programs with provisions for family guidance clinics and family courts, and provisions for parenting education;
- Provision for early diagnosis and counseling;
- Provision for long term treatment in secure settings when needed;
- Provisions for more and better-trained personnel,
- Encouragement for use of volunteers as well as professionals in the juvenile justice system;
- Adequate funding; and
- More emphasis on positive youth development, positive role models and encouragement to communities to protect young children and to provide guidance for adolescents.

Consensus update approved February 1994

"After the League of Women Voters of Oklahoma completed a two-year study of the Oklahoma Penal System in 1974, its attention was drawn to the rapid increase of crime among juveniles and the fact that so many juvenile offenders eventually come into the adult correctional processes and institutions." (Preface from "*Juvenile Justice Part I*" published by the League of Women Voters of Oklahoma, February, 1976.) Therefore, a study of the Juvenile Justice System in Oklahoma was begun in 1975. Due to the vast amount of information and study material required, it was felt that a two-year study would be necessary in order to gain proper insight into the process and its problems.

At the same time the legislature mandated formation of a Juvenile Law Task Force to study the total juvenile justice system in Oklahoma.

The first year of study covered historical background and various juvenile codes, model acts and procedures of juvenile justice systems with special emphasis on Oklahoma. Various recommendations were also considered. The second year of study emphasized juvenile institutions and agencies in Oklahoma and the effect of educational processes and procedures on juveniles.

A number of the recommendations in the resulting consensus from that study have been brought about. 1977 legislation placed status offenders in a shelter or foster care rather than in a detention facility, H.B. 1468, approved May 28, 1982 (Title X), authorized the Department of Human Services to increase community placement for juveniles with the resultant closing of three juvenile institutions. (One juvenile institution had already been closed in 1981.) Also provided in Title X were a wider range of placement options, emphasis on preventive measures, and increased protection of basic constitutional rights of children through required hearings. A new category for children afflicted with emotional disorders was established called "Child in Need of Treatment" which further provided for individualized treatment for all children.

In addition to changes brought about through enabling legislation, schools have continued to increase the number of qualified personnel to identify and furnish remedial treatment for children with problems, and parenting classes have increased in number in both schools and agencies.

Throughout the decade of the 80s, the emphasis by agencies has been to work within the existing family unit. Institutions were closed, but the community based treatment centers were never adequately funded which resulted in a loss of beds that were never replaced. This also created a loss of secure beds, making it easier for habitual offenders to work the system to their advantage.

Most of the legislation written and passed in this area has been concerned with prevention and the at-risk child (one who has the potential of being a non-achiever). Another major piece of legislation was passed in 1987 that provided funding for the Children's Trust Fund creating prevention programs for child abuse and neglect. Oklahoma was one of five states with an established plan for the prevention of child abuse. The plan, developed by local volunteers in their communities, has served as a model for other states.

Jail removal for all juveniles was achieved in 1988. Oklahoma began to implement a statewide detention system adding, in 1988, five centers with a total of 42 beds. In 1990 plans were finalized for construction of additional juvenile detention beds in Cleveland County.

During the first session of Oklahoma's 42nd Legislature (1989) H.B. 1021 authorized a comprehensive study of state and state supported services to children and families in Oklahoma. One of the recommendations from what was to become known, as the Price Waterhouse Study was the establishment of an Office of Planning and Coordination of Services to Children and Youth providing expanded leadership opportunities for the Oklahoma Commission on Children and Youth (OCCY).

During the second session of the 42nd Legislature (1990) H.B. 1729 defined OCCY's expanded authority and directed regional and district planning bodies be established in order to involve local communities in planning and coordinating services. H.B. 1729 also directed the development of a statewide plan for serious habitual juvenile offenders (SHJO).

According to the National Advisory Committee for Juvenile Justice and Delinquency Prevention, Serious Habitual Juvenile Offenders (SHJO), who comprise two to five percent of all juvenile offenders, are responsible for more than half of all juvenile offenses. The statewide planning process for identification of and services for Oklahoma's SHJO utilized a Serious Habitual Offenders Comprehensive Action Plan Model (SHOCAP). SHOCAP is a comprehensive and cooperative information and case management process for police, prosecutors, schools, and probation, correction, and social and community after-care services. Reports of juvenile crime are shared between the involved agencies. This serves two purposes; a more comprehensive profile of individuals is available and cases are not so likely to slip through the cracks.

Responding to the increased public interest on this important issue, the League adopted a study update on juvenile justice at its 1993 Convention. A new position was adopted in time for the 1994 legislative session.

The 1994 session began with optimism toward passing a juvenile justice reform bill; however, the issue soon became embroiled in a budget controversy between the governor and legislative leadership. Nonetheless, at the end of the session HB 2640, authored by Speaker Lloyd Benson (D –Frederick), was passed but implementation was not scheduled until July 1, 1995. The bill resulted in the separation of juvenile justice responsibilities out of the Department of Human Services and created a new and separate agency, the Office of Juvenile Affairs. The agency retained the mission of providing delinquency prevention and treatment services to juveniles, but added protection of the public from serious juvenile offenders and an expectation that juvenile offenders would be accountable for their behavior.

Methods to achieve the foregoing included the construction of additional secure treatment beds, an end to waiting periods for secure detention and the Youthful Offender Act, which strengthened consequences and enabled the most serious offenders to be transferred into adult institutions after the age of 18 until age 22 if rehabilitation had not been achieved. (Previously any 18-year old offender had to be released upon turning 18 regardless of behavior while in custody.)

Implementation of the Youthful Offender portion of the reform legislation has been problematic and largely delayed due to overcrowding and classification problems in the adult system and general corrections funding shortfalls. However, other aspects of the reform are progressing. There is better differential treatment due to an expanded network of therapeutic homes and a variety of service levels. There is more emphasis to analyze and address racial imbalances in the custody population. There is better communication between the Department of Education and the Office of Juvenile Affairs as some problems are shared problems and require joint solutions.

5/12/99

## **LIVING WILL**

### ***Support for an individual's right to make or assign personal medical decisions related to their process of dying.***

The League of Women Voters of Oklahoma believes that the Living Will should include:

- Durable Power of Attorney;
- No requirement as to a terminal diagnosis prior to signing;
- No time limit on its validity;
- Binding effect for individuals in a persistent unconscious state; and
- The right of individuals 18 or older to execute a Living Will.

The League of Women Voters of Oklahoma believes that an individual's rights and wishes should be respected by health care professionals regarding his/her Living Will.

Consensus approved 1992

The Oklahoma League of Women Voters delegates of the 1991 Convention voted to study the “Living Will” and durable powers of attorney. The study began immediately in hopes a consensus could be reached by members and a position statement drafted before the 1992 legislative session.

Oklahoma had enacted the Natural Death Act in 1985; however, it was very restrictive. It applied only to the “qualified” patient: a patient diagnosed and certified by two physicians to be in a terminal, irreversible and incurable condition and who would die regardless of life-sustaining procedures. If the patient was deemed a “qualified patient”, the attending physician could give weight to a previously written directive, but was not held to it.

In the legislative interim of 1991, a legislative study reviewed previously introduced amendments to the Oklahoma Natural Death Act and similar legislation in other states. The League of Women Voters joined with other organizations to monitor legislative committee meetings discussing living wills. In October of 1991, the League began holding local consensus meetings, a consensus was reached, and a position statement drafted in February of 1992.

With a position statement available, the Oklahoma League of Women Voters lobbied for passage of HB 1893, Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act, sponsored by Representative Jeff Hamilton. The bill was passed in the 1992 legislative session and included provisions stated in the League’s position. Representative Hamilton complimented the League by stating the bill could not have been passed with the League’s support.

5/12/99

## **MENTAL HEALTH**

### ***Support for delivery of mental health services and mental illness treatment in addressing these needs in Oklahoma's population.***

The League of Women Voters of Oklahoma believes that provision of mental health services in Oklahoma should be improved in the following ways:

- That the state undertake a basic mental health needs assessment of Oklahoma's children, adult, elderly, homeless and penal institution populations to serve as the basis for coordinated State and local planning to determine need for services; that such assessment should include input from citizens as well as all providers and funding sources, and should occur each decade and following any major revision in the structure of the state's mental illness services (as in the closing of Eastern State Hospital);
- That the state focus on all aspects of identification and prevention of emotional problems, mental illness, and substance abuse. State funding should be provided for intervention and prevention programs in the schools and child-care programs;
- That the state increase funding for child mental health services and correct systemic payment issues which prevent any access to that care;
- That the state monitor the effectiveness of mental health programs to ensure accountability and translate these findings into better allocation of available funds.

The League of Women Voters of Oklahoma believes that the delivery of services for mental illness and substance abuse in Oklahoma can be more effective; therefore, the LWVOK recommends that Oklahoma and the DMHSA undertake the following:

- A strategic state plan for treatment of illness based on epidemiological data, which addresses all populations, including all minorities;
- Funding for training personnel for delivery of services with placement relative to, and based on, needs of a community;
  - Improve access to mental illness services;
  - Stop the diversion of mentally ill children and adults into the corrections system;
- Increase funding to the Oklahoma DMHSA; increase funding especially to outpatient centers for mental illness and substance abuse.

Consensus approved 2002

Delegates to the 2001 League of Women Voters of Oklahoma State Convention voted on the program study item, Mental Illness and Delivery of Care in Oklahoma.

The motion was in the form of a vote for concurrence to adopt a state position on mental illness and treatment in Oklahoma based on the position that LWV-Metropolitan Tulsa had reached after an 18-month study on the topic.

The Tulsa local study committee met more than 20 times from late 1999 until September, 2000 with local mental health professionals, consumers and providers. At the end of that period, the Tulsa League

held a community forum on mental illness and treatment including providers, consumers, state legislators and mental health administrators. The Tulsa League then developed consensus of its membership using unit meetings and individual mail responses. The resulting position results were presented by the local study committee for acceptance by the Tulsa League Board of Directors in May, 2001. At that time, the local study committee recommended that the position statement be presented to the delegates at State Convention for concurrence as a statewide League position on the issue. This would allow the League of Women Voters of Oklahoma to have a position to advocate for mental illness and treatment concerns without an additional statewide two-year study.

The concurrence motion was submitted and passed June 2, 2001, by state delegates attending Convention following discussion by local League delegates on how the concurrence process could be developed at the local level. It was determined that each League would study the issue within its own community, and concur or revise the Tulsa League position relative to its local review. The League of Women Voters of Oklahoma Board would then accept or reject the position concurrence or revisions from the local Leagues.

The original timetable for concurrence by the local Leagues was to be prior to the 2002 Oklahoma legislative session so bills and lobbying on mental health issues could be developed. In the summer of 2001, the Tulsa League mailed state resource reference materials to each local League so each League could examine the issue in relation to its own community.

Individual Leagues then created publicity and held a variety of meetings with community professionals, consumers of services, families concerned with treatment services for various age groups, and the delivery situation unique to each community. Because this process was lengthy and differed for each League, results were not available until March 2002. Some Leagues and Members At Large were not able to participate. The Tulsa League collected the responses from each local League and MAL. The Mental Health Study Chair integrated all suggested revisions and additions to the Tulsa position into one document. These results were reviewed and then accepted by the State Board at the March 2002 meeting allowing League members to advocate for mental health/illness issues during the remainder of the legislative session. This document has since been rewritten in the standard form used for League of Women Voters of Oklahoma position statements. The League is one of a few non-single issue Oklahoma organizations to take a position on this issue.

5/20/02

## TEENAGE PREGNANCY PREVENTION

### *Support for strategies to help reduce adolescent pregnancies in Oklahoma.*

The League of Women Voters of Oklahoma believes that to help reduce adolescent pregnancies and births in Oklahoma many options or opportunities for life styles that stimulate self-sufficiency and self-esteem should be provided.

In pursuit of this goal we recommend action to provide:

1. Better opportunities for obtaining good academic skills—emphasizing basic reading and math skills that create an incentive for learning and a desire to stay in school;
2. More opportunities for jobs and training in work skills for teaching good work habits and a good attitude toward work, as well as helping to alleviate poverty;
3. More training opportunities in family life education and life planning with emphasis on the responsibility of sexuality, being a parent, and providing for the future;
4. Access for all teens, both male and female, to health services, including contraceptives and counseling on the responsibility of choosing whether or not to be sexually active;
5. Resources for adolescents to help instill self-respect and an appreciation of their own capabilities and talents.

Consensus approved 1989

Once again the League of Women Voters of Oklahoma anticipated the public concern for a subject when they evolved a state study on preventing teen pregnancy. A local League's summer program created so much interest that the 1987 Convention adopted the topic, and local Leagues completed the study during 1988 with census being adopted January 1989. The study generated not only interest, but also a videotape program. ***Teenage Pregnancy: A Path to Poverty*** has been in demand by local Leagues and the public as well. It has been shown by civic organizations and schools across the state. In 1988, the Governor's Summit on Families, Children and Youth recommended as its number one priority, the prevention of teen pregnancy.

As late as 1994, Oklahoma still did not have a consistent, statewide teen pregnancy prevention program. The State Department of Health has funded ten community-based prevention programs across the state. Several are located in League cities and were the result of local League advocacy efforts. During the 1994 legislative session, the Legislature passed HB 1180 that created the Interagency Coordinating Council on Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases. The Council will identify strategies and programs that work, increase public awareness of the costs and consequences of teen pregnancy and develop a blueprint for state and local action.

5/12/99