



## LWVTN Positions on Public Policy Issues, 2023-25

The LWVTN will focus on the Keys to Democracy, particularly relying on these LWVUS positions: (<https://www.lwv.org/impact-issues>)

**Voting Rights-**The LWVUS believes that voting is a fundamental citizen right that must be guaranteed. Protect the right of all citizens to vote; encourage all citizens to vote.

**Transparent/Open Government-**The LWVUS believes that democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible.

**Redistricting-**The LWVUS supports redistricting processes and enforceable standards that promote fair and effective representation at all levels of government with maximum opportunity for public participation.

The following positions are in addition to positions taken by LWVUS:

### ELECTORAL PROCESS

**POSITION:** The League of Women Voters of Tennessee supports action to simplify the election process, to protect the right of every citizen to vote, and to promote the full disclosure of income and expenditures by candidates, parties, and committees formed to support candidates. Therefore we support the following:

- Expansion of ways eligible voters may register.
- Statewide uniformity of procedures for voter roll maintenance and accuracy, and standardization of polling place procedures.
- The governing of all primaries by state statute, and administration of all primaries by duly constituted election officials.
- A nondiscriminatory arrangement of names and issues on the ballot.
- Expansion of access to absentee voting and increased flexibility for its implementation. • Establishment of an automatic path to voter restoration for felons who have completed their prison sentences and probation, removing the financial requirements.

Adopted 1966, Amended 1968, 1974, 2021.

### ELECTION SYSTEMS

**POSITION:** The League of Women Voters of Tennessee supports election methods at each level of government that encourage participation, are verifiable and auditable and enhance representation for all voters.

The LWVTN promotes an open governmental system that is representative, accountable and responsive. We encourage election methods that provide the broadest voter representation possible, have a positive effect on voter participation, and are expressive of voter choices. Whether for single or multiple winner contests, the League supports methods that:

- Encourage voter participation and engagement;
- Encourage those with minority opinions to participate, including under-represented communities;
- Are safe, secure, verifiable, and auditable;
- Promote access to voting;
- Promote competitive elections;
- Maximize effective votes/minimize “wasted” votes;
- Discourage negative campaigning;
- Encourage meaningful discussion of issues;
- Require the winner to receive a majority of the votes for executive and other single seat offices; and
- Are compatible with acceptable ballot-casting methods, including vote-by-mail and provisional ballots.

The LWVTN believes in representative government. The League supports systems that elect policy making bodies – legislatures, councils, commissions and boards – that proportionally reflect the people they represent. We support redistricting systems that inhibit political manipulation (e.g. gerrymandering).

The LWVTN supports enabling legislation to allow local jurisdictions to explore alternative election methods, as well as supporting state election laws, allowing for more options at both the state and local levels. With the adoption of any election system, the League believes that education of the voting public is important and funding for startup and voter education should be available. We encourage a concerted voter education process.

Adopted 2019, Amended 2021.

## **JUDICIAL ORGANIZATION**

**POSITION:** The League supports reform of the judicial system, particularly in the areas of representation, uniformity of structure, and methods for the discipline and removal of judges. The League supports retention of a merit-based plan for selection and retention of judges at the appellate level.

The following components of reform of Tennessee’s judicial system were recommended:

- **Access-**In order to provide equal access to the court system for all, the allocation of judges should be made based on equitable balance of caseloads and consideration of geographic and demographic factors.

- **Restructuring**-The League found that a uniform structure of the court system, with flexibility to meet local needs, is important. Making the jurisdiction of the courts uniform throughout the state, and having similar types of cases heard in the same type of court in each county or judicial district, would eliminate confusion and difficulty of access.
- **Consolidation**-Consolidation of trial-level courts would alleviate overlapping jurisdictions by combining the functions of these various courts into one trial court. The need for flexibility to meet local needs might be filled by the use of specialized judges rather than special courts and could be handled administratively by assignment.
- **Selection of Judges** - The merit-based selection and retention plan for selection of judges at the appellate level should be retained. Qualifications of residence and citizenship are valid, as well as the requirement of license to practice law in the state. (This latter is not, however, intended to exclude law professors.)

Adopted 1978, Amended 2009, 2021.

## **EDUCATION**

**POSITION:** Every child is entitled to an appropriate education which meets individual needs. Therefore we support the following:

- Coverage, implementation, and funding of the Tennessee Basic Education Program (BEP) should be adequate to assure a high standard of public education for all children. (A description of the BEP can be found on the State Board of Education's website.)
- Regular classroom instruction, kindergarten, special education, including but not limited to the gifted and the disabled, and vocational education should be adequately funded and every school district should provide for the special needs of its students.
- The rules, regulations, and minimum standards of the State Board of Education should be enforced.
- Teachers and administrators should be evaluated using procedures that ensure fairness, should receive adequate compensation, and should be eligible for incentive pay increments. • Proficiency testing should begin in the primary grades and should be used for diagnostic purposes to determine remedial programs to improve students' competencies and basic skills. • Directors of Schools should continue to be appointed by the local elected school boards. • Schools and school systems should be consolidated when consolidation will result in better education.
- Quality pre-kindergarten programs should be available to all eligible children.

Adopted 1963, Amended 1971, 1972, 1979, 1984, 1991, 1997, 2007, 2021.

## **SCHOOL VOUCHERS**

**POSITION:** The League of Women Voters believes that a quality public education system is an essential element for maintaining a strong and viable democracy. We support state educational policies that raise levels of student achievement, address the needs of a diverse student population, and preserve students' health and safety.

In a democracy, public education serves many purposes. Regardless of the school setting, a quality education that supports high levels of academic achievement should be the primary objective for public investment of educational dollars. In addition, in our increasingly diverse society, public schools provide an important focus for building community across differences. While parental selection of educational options for their children has value, the League's position is that choice by itself should not be the primary goal for selecting the best ways to invest public dollars in education.

The League continues to oppose the use of public funds for private school vouchers. Although the law was amended in 2018 to allow vouchers in Davidson and Shelby Counties, the law's constitutionality has been challenged in court and, as of 2021, has not been implemented. Should the use of public funds for private school vouchers be considered at some point, the League believes the following criteria should apply:

- The law should be applied statewide in all counties.
- Eligibility criteria for students should be limited to those whose need is greatest, e.g., students who are eligible for free and reduced price lunch, students currently enrolled in low-performing schools, students with special needs, or students who are performing poorly.
- Private schools participating in a voucher program must accept the voucher as full payment. • Participation criteria for private schools should include approval by either the state or state approved accrediting agencies.
- Private schools participating in a voucher program should be required to administer the same standardized assessments as those required in public schools. These assessments should be capable of providing data of students' academic growth (value added) from one year to the next.
- Private schools participating in a voucher program should comply with laws prohibiting discrimination and other policies promulgated by the State Board of Education. • In determining whether to expand the voucher program, the program should be evaluated using objective, measurable criteria, such as student achievement gains as measured by a value-added analysis, graduation rates and retention rates.

Adopted 2013, Amended 2021.

## **HEALTH CARE**

**POSITION:** The League of Women Voters of Tennessee believes that affordable access to healthcare

should be available to all Tennessee residents. The League supports health care which covers disease prevention, health promotion and education, primary care, behavioral health care, acute care, and long term care. Tennessee health care policy goals should include the equitable distribution of services; efficient and economical delivery of appropriate health care; and a shared total state expenditure level for health care. Until the goal of a national health insurance plan is reached, responsibility (including, but not limited to, fiscal responsibility) for health care starts with individuals and families; extends to educators, medical and assistive care providers; and should be shared by local, state and federal governments as well as medical insurance carriers including managed care entities.

**Prevention and Education:** LWVTN supports a strong emphasis on preventive healthcare and widespread health education efforts as the most cost-effective way to serve all Tennesseans. Preventive care includes but is not limited to:

- Disease prevention and immunizations; health and wellness promotion and education through schools and the media;
- Age appropriate health and family life education including instruction on reproductive health and disease prevention;
- Family planning and disease prevention services; and
- Support for WIC, school lunch programs and other targeted outreach programs.

**Primary and Acute Health Care:** LWVTN supports the availability of affordable care including but not limited to:

- Primary and acute health care, including cost-effective prescription drug treatment for illness and injury;
- Reproductive, maternal and child health care;
- Behavioral health care including mental health services and services to promote recovery from substance use disorders; and
- Treatment and management of chronic diseases or conditions, such as diabetes, hypertension, serious mental or behavioral disorders and developmental disabilities.

**Long-Term Care:** LWVTN supports long-term care accessible to all in-home and community-based settings. Long term care includes:

- Medical care and supportive services for individuals with chronic illnesses or disabilities; • Custodial help, such as assistance with activities of daily living, as well as services provided by licensed professionals; and
- Provision of care in homes, adult day care facilities, hospitals, nursing homes, long term care facilities, or other supportive housing.

LWVTN supports the availability of hospice (including palliative) care for all who need it. If an individual, in consultation with his or her physician and family members, chooses to enter a hospice program, it should be covered by current insurance programs and ultimately funded by a national health insurance program.

**Covering Those Who Are Uninsured:** LWVTN supports programs aimed at decreasing the number of individuals lacking health insurance, including:

- Expansion of Tennessee’s Medicaid eligibility;
- Development of group insurance pools for employers with few employees and for the self employed;
- Portability of commercial insurance for those who have changed or lost jobs; • Implementation of an affordable insurance plan for individuals with catastrophic illnesses; and • Establishment of a fair system of reimbursement of health services for people who are medically indigent.

LWVTN recognizes the disparities in health care which are caused by multifaceted determinants including but not limited to:

- Availability of health care
- Accessibility to health care
- Economic factors, including meaningful employment
- Adequate and available housing
- Community and social support, and
- Adequate and appropriate transportation.

These programs should continue and grow until a national health care system is implemented.

Adopted 2008, Amended 2009, 2021.

## **FINANCING STATE AND LOCAL GOVERNMENT**

**POSITION:** The League supports a balanced system of taxation that considers the ability of the taxpayer to pay and which produces sufficient revenues to fund essential services. Constitutional taxation provisions should be broad and sufficiently flexible to meet future revenue needs.

**Background:** Tennessee state and local governments fund services through a variety of taxes and fees. At the state level, the sales tax is the primary revenue source, a portion of which is shared with the local governments. The local governments can impose their own taxes, the primary ones being a property tax and a local option sales tax. Property tax is the largest source of revenue for local governments. Disparities in the property and sales tax bases, however, remain significant among counties. In addition, some tax exemptions and incentive programs impose an unfair tax burden on residents. Tax systems need to be reviewed and updated periodically to reflect changes in demographics and consumer practices.

Our position of “Constitutional taxation provisions should be broad and sufficiently flexible to meet future revenue needs” remains unchanged. However, in 2014 Tennessee passed a constitutional amendment prohibiting any form of income tax, making it unlikely that this form of revenue could be implemented anytime in the near future. Since 2016, the Hall Income Tax, which taxes interest and dividend income from investments, is being reduced by 1% per year until 2021 when it will be eliminated.

Therefore the state position includes the following:

- **State Income Tax:** The League supports a broad-based personal income tax and repeal of the Hall income tax in order to enhance the equity and balance of the tax structure and to produce adequate state and local government revenue. An occupational privilege tax (payroll tax) and retention of the Hall income tax is a less desirable second choice. The League opposes the levy of local option income or payroll taxes. The corporate excise (income) tax should be retained.
- **Sales Tax:** Because of its regressivity, the League opposes continued and increased reliance on sales tax for revenue. The sales tax on food for home consumption has been reduced but ideally should be eliminated. Broadening of the sales tax base and any raise in rate should be contingent upon the exemption of tax on food.
- **Property Tax:** The League supports classification of property for tax purposes into real, tangible personal, and intangible personal. (Tangible personal property includes business property that can be moved or touched such as equipment, machinery, vehicles, and inventory. Intangible personal property includes property items such as ownership in or debts of a business.) The League opposes subclassification of real property and erosion of the property tax base. Income producing property, including that owned by religious and nonprofit charitable organizations but not used for religious and/or charitable nonprofit purposes (investment property), should be subject to the property tax. The League supports a mandatory periodic reappraisal program, accomplished by professional assessors, that is equitable statewide, and supports increased involvement of the state in the local reappraisal process. Property tax relief for low-income persons and families should continue.
- **User Fees:** The League supports expanded local government levies of user fees providing they meet accepted League taxation criteria.
- **Intergovernmental Revenue:** State services mandated and performed by local government should be fully state funded. State/local transfer formulas should be equitable and consider the recipient local government's tax capacity and effort.

The League used the following criteria to evaluate a system of taxation:

- Ability of the taxpayer to pay
- Diversity of revenue sources
- Economy of administration
- Simplicity and convenience
- Certainty
- Sufficiency
- Elasticity

Each tax should be considered and evaluated in relationship to all other state and local taxes including its impact on local governments, whether urban, suburban or rural. No single tax will meet all of the

above criteria.

Adopted 1971, Amended 1977, 1983, 2021.

## **CHILDREN AND YOUTH SERVICES**

### **TROUBLED/AT RISK CHILDREN**

**POSITION:** The League believes that state-provided services to troubled/at risk children should be comprehensive and accessible, emphasizing early screening and identification, prevention, and early intervention.

- Services should be individualized, community based, and include participation by the family, if appropriate. Services should be delivered and coordinated through a case management system with agency linkage.
- Early screening and identification of children at risk should be available through health care providers such as health departments, hospital nurseries, and physicians. Prevention and early intervention services should be provided through the Department of Health and other community sources, e.g., schools, childcare centers, and Head Start programs.
- State services for troubled/at risk children and families should be available to all, regardless of ability to pay. The highest priority should be given to children who are abused, neglected, delinquent, mentally ill, or diagnosed with multiple risk factors.
- Perpetrators of abuse/neglect should have access to treatment, within the family structure if possible, to encourage family preservation.
- State and local government should share responsibility for providing services for troubled/at risk children and families.
- To assure effective action, the League supports adequate funding for state mandated programs.

Adopted 1987, Amended 1992, Reviewed 2021.

### **JUVENILE JUSTICE**

**POSITION:** The League supports a statewide juvenile justice system based on uniformity, equity, accessibility, and accountability.

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- Youthful offenders should remain with their families, within their own communities, and be diverted from the court whenever possible.
- The juvenile court should be required to select the least restrictive alternative program or placement. Consistent implementation of the least restrictive alternative concept should result in more effective rehabilitation of children.

The League supports the improvement of the state supported programs and services for children

through employment of adequately trained and paid personnel, regional diagnostic and treatment centers, and additional educational and rehabilitative programs, and adequate after-care programs.

A juvenile justice system should include the following:

1. In addition to being licensed attorneys, juvenile court judges should have training and experience in juvenile law and child development.
  2. The state should provide funding for paying juvenile court judges in order to attract qualified attorneys with special interest in juvenile law. The state and counties should share the responsibility for funding court staff, training, and operations.
  3. All salaried and volunteer personnel working in juvenile facilities and detention centers should be provided with periodic, updated, and relevant training in child development, effective communication skills, juvenile law, racial bias, effects of adverse childhood experiences and other related subjects.
  4. All salaried juvenile court personnel, except for clerical workers, should meet certain minimum education and/or experience requirements in juvenile social services, juvenile law, and/or related fields.
  5. Uniform intake procedures and standards, including detention-screening guidelines, should be adopted and mandated for all juvenile courts. Legal sufficiency to prosecute a case should be the primary intake/detention criterion with diversion being the primary option. Detention hearings should be expedited through the use of referees and other court personnel trained to conduct such hearings.
  6. A uniform transparent record-keeping system should be adopted and mandated for all juvenile courts, facilities, and institutions in Tennessee. Confidentiality of records should be strictly enforced.
  7. The due process rights of youth and families should be fully protected and explained with appropriate translation at all stages of the juvenile court system process.
  8. Dispositional guidelines or sentencing ranges for each type of offense should be adopted to allow for uniformity, consistency, and fairness. This will include age, type of offense, record, etc.
  9. Counseling services should be made available to all youth and their families who come into contact with the juvenile justice system.
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10. Preference should be given wherever possible to public service or restitution programs in the disposition of delinquency cases. Such programs provide for effective rehabilitation through the development of a sense of responsibility for one's acts, and also provide for the repayment to the victims of offenses and to the community as a whole for the wrongs committed by juveniles.
  11. Status offenders should not be incarcerated or detained except when necessary to protect them from immediate and serious danger. Whenever possible they should be left in their

homes or with relatives or friends. The least restrictive appropriate alternative should be used. The development of emergency shelter resources should be encouraged for all children who need them.

12. Standards should be reviewed periodically regarding the operation of, conditions in, and treatment of children in detention and other secure facilities.
13. Disciplinary procedures and behavioral expectations should be clearly spelled out, made known to the youths, and applied uniformly and fairly.
14. Any form of isolation, including room restriction, should be discouraged, and strict conditions and time limits placed on its use. Whenever any form of isolation is used, the use and its reasons should be written into the juvenile's record. Corporal punishment should not be used in institutions and facilities for juveniles.
15. The placement of children in adult jails should be prohibited.

Adopted 1972, Amended 1973, 1982, 2021.

### **STATEWIDE HIGH-SPEED INTERNET**

**POSITION:** The League supports government policies that promote broadband, wireless and other means of high speed internet deployment throughout the state including: access to high-speed internet, without charge, through schools and libraries; state efforts to protect the open, neutral and nondiscriminatory nature of the internet; adequate protection, promotion and funding of community access television channels regardless of the provider of TV/video services to Tennessee residents; government provision of opportunities for citizen participation in decisions regarding community access.

Adopted 2018, Reviewed 2021.