



THE VOTER

Newsletter of the League of Women Voters of Berea & Madison County

Voters to narrow field in May 22 primary

All seven candidates for district judge appeared at the LWV's May 7 forum at Richmond City Hall, organized by LWV member Cecile Schubert and cosponsored by the ECU Center for Kentucky History and Politics.

William Fortune, UK College of Law and the Judicial Campaign Conduct Committee, and Lynnette Noblitt, with the Eastern Kentucky University paralegal program were recruited to prepare questions for each candidate to answer.

They included questions about offering alternatives to jail sentencing and considering ethical guidelines for recusing them-



Thomas J. Smith III, Jud Patterson and Elizabeth Elkins Bond were three of the seven candidates for district judge at the forum along with John Lackey (below). See the other candidates on page 3 and 4.

selves from a case.

Candidates are Thomas J. Smith III, Jud Patterson, Elizabeth E. Bond, John F. Lackey, Wes Browne, David G. Perdue and Earl Ray Neal.

A new judicial position in the 25th District which consists of Clark and Madison County was created this year. Voters will choose one of the candidates in the May 22 primary election. The top two vote-getters face off

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John Lackey and the other candidates were seated in City Hall for the May 7 forum. City manager David Evans ran the TV cameras for the replays.

President recounts full calendar of LWV activities

The year began with a Board "retreat" at Pat Jones house Aug. 29 to plan our activities for the year. We decide to continue to use a theme we adopted in 2005—"Madison County 2025: What's YOUR Vision?" — in our work for 2006/07 in order to tie our educational and action-oriented programs together and inspire residents to create and act on their vision for our communities.

On Sept. 18, we hosted a member/public meeting in Berea on the conduct of judicial campaigns, with special guest Professor William Fortune of

the UK School of Law and the Judicial Campaign Conduct Committee.

LWV members staffed a table at the Berea Spoonbread Festival, which was a great place to register voters and sign up new members. League members also participated in a Walk and Bike Rally in Berea on Sept. 19, to urge Berea City Council to prioritize sidewalks, bike-ways and bike lanes in the city as a safe, healthy alternative to automobile traffic, air pollution and obesity.

In October we partnered with the ECU Center for Kentucky History and

Politics and ECU's Media Resource Center to host four candidate forums for local and state elected candidates in the November general election.

On Nov. 13, LWV hosted a meeting in Richmond with Justin Maxson, director of the Mountain Association for Community Economic Development (MACED) to discuss the effectiveness of government incentives and packages for new business. The incentives packages don't seem to be giving Ken-

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Energy, openness part of vision

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tucky an economic “edge,” yet are one of the most common ways that government tries to attract business.

December rolled around and with it came a holiday gathering for LWV, hosted by members Nancy and Doug Hindman. We also entered a holiday “tree” – a tacky, plastic white one – into the local Arts Council fundraiser.

Decorations were actually made by people who stopped by to see the exhibit; they wrote or drew a picture on a paper ornament that completed the statement “All I Want for Christmas is...” in relation to a vision for our community.

In January we made our usual round of visits to local government but instead of delivering only an introduction to the League and a thank you for their service, we went prepared with two New Year’s Resolutions for local government: energy efficiency and openness and transparency in government.

New Year’s goals

We followed-up those New Year’s Resolutions in the following two months with two member/public meetings providing information about how to strive toward these two goals. On Feb. 19 in Berea, we brought in four experts to talk about energy efficiency for homes, government, businesses and community.



Joan Peoples, Gail Waldeck, Joy Frasier, Carla Gilbert, Wes Wright (team leader from Ky. Fair Tax Coalition), and Elise Andre lobbied for the felon’s right to vote bill in Frankfort during the legislative session.

On March 26 in Richmond, we celebrated Sunshine Week with a public meeting on “What you need to know about your right to know” featuring, four experts on open meetings and open records laws.

Several of our local members joined Joan Peoples for LWV Lobby Day in Frankfort to make a case for passage of a bill proposing an amendment to the constitution that would restore voting rights to felons who have served their time. House Bill 70 passed the House 70-28 on Feb. 28 but died in a Senate committee.

In April, LWV members participated in a forum on comprehensive community planning, sponsored by Eastern Kentucky University and the Campus Conference for Sustainability.

At our annual meeting on April 30th in Berea, we formally released our collaborative project with the Berea College Women’s

Studies Department called Women of Vision in Berea.

On May 7, all seven candidates for 25th District Judge of Madison and Clark County participated in our LWV candidate forum, sponsored with the help of the EKV Center for Kentucky History and Politics and televised in both Berea and Richmond.

In addition to all of these activities, we printed a Citizens Guide on local government officials, supported our LWVBMC Web site that now features a blog for current events and feedback and comments, and distribute a monthly newsletter from September to May.

We continue to attract new and renewing members to the organization, with Membership Chair Elise Andre reporting 81 members this month.

Looking toward 2007/8 we may be engaging in the Immigration study, a collaborative project with

LWV_EVENTS

May 22 Primary Election

VOTER DEADLINES

August 15 for Sept. Voter

The Voter is published monthly September through May by the League of Women Voters of Berea and Madison County.

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Copies of the Voter are on the Web at
<http://lwvbmc.iclub.org>

Berea College political communications class, art display/fundraiser program on civil rights, continuing to promote energy efficiency and smart comprehensive planning, voter education and much more.

I continue to be honored to serve as a leader in our local League and remain in awe of the commitment, passion and joy with which our local Board operates.

We’re about making a serious difference. We’re about educating and inspiring people. We’re about effecting change. And we’re about having fun doing it!

— Elizabeth Crowe

Candidate forum replayed weekend before primary

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for the judgeship in the November election.

Watch the replays on Richmond Cable Channel 12 at 2 p.m. and at 8 p.m. on these dates: Friday May 18, Saturday May 19, and Sunday May 20.

The forum will be replayed on these dates on Berea Cable Channel 12 at 5 p.m. on Wednesday May 16, and Monday May 21.

Many thanks to Cecile and her committee including Jeanne Hibberd, Elizabeth Crowe and Joe Gerstenson.



Wes Browne, David Perdue, and Earl Ray Neal were three of the seven candidates. In the foreground are panelists Professors William Fortune and Lynne Noblitt.

New LWV board, officers elected at Annual Meeting

The annual meeting on April 30 attracted 42 members and guests to a buffet dinner in the Trustees Room of Berea College's Seabury Gym catered by Main Street Cafe.

LWV members gave brief descriptions of 2006/2007 monthly events and highlighted the role the League has played through the year.

Elise Andre announced our organization now has 77 members and has

had the greatest increase during the past year of any league in Kentucky.

President Elizabeth Crowe introduced two of the students who worked on the Women of Vision literary project. Following brief remarks President Crowe introduced Jackie Burnside, Jessie Zander, Martha Pride, Barbara Wade, Ruth Butwell, Dorothy Tredenick and Suzanna Lien, who were some of the women featured in the booklet.

Officers and board members nominated and elected included Elizabeth Crowe as president, and Jenny Bromley as treasurer. Yvonne Riding will continue to serve as vice president and Anriette Stolte will continue as secretary.

Riding will also chair the nominating committee. The board of directors elected are Mary Bell, Libby Fraas, Jeanne Hibberd, Pat Jones, and Jeanne Nakazawa.



Support LWV with dues and donation

Thanks for your support for our candidate forums, voter registration and voter education materials. Make check payable to League of Women Voters (LWV).

Mail to P.O. Box 254, Berea KY 40403.

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Excerpts from May 7 District Judge Candidate forum...

What experience makes you a good candidate to serve as district judge?



Thomas J. Smith

My candidacy is based on keeping integrity on the bench. I have served this community for over 32 years as commonwealth's attorney, county attorney, assistant county attorney, and assistant commonwealth attorney.



Jud Patterson

Experience comes, knowledge comes, but the traits that you take with you to the bench stay. Are you willing to trade a month or two of learning for arrogance, intemperance, or abuse of power? I've got the confidence to sit in front of people and not misuse authority. I believe it is more temperament-based than experience-based.



Elizabeth E. Bond

As a child I resided in both Berea and Richmond and now live in Winchester. As an attorney serving clients in Madison & Clark, I have experience in district, circuit civil, probate, small claims, criminal, bankruptcy, and family court and served as guardian ad litem for hundreds of children.



John F. Lackey

I've practiced here for 40 years. I am the only attorney with an A rating from Martindale Hubbell and the only lawyer that has represented clients as both defense and prosecutor in capital crime cases. I'm not tied with interest groups in the community.



Wes Browne

I have worked every aspect of district court extensively. I started my career as a prosecutor... I've also worked as privately retained counsel and as a public defender. In my personal life, I've worked with young and old. I also coach middle school football. Temperament above all is what's important.



David Perdue

I have been practicing law for over 20 years I am serving at request of Judge Clouse and Judge Brown as trial commissioner for Clark County and have served as trial commissioner for Madison County. I have been actively involved in all aspects of district court.



Earl Ray Neal

While serving as domestic relations commissioner, I have presided over hundred of serious circuit court cases involving families. I have experience in managing large dockets in over three counties.
I checked...since 1996 I've made over 1,500 appearances in Madison County District Court.

What is the role for a judge during plea bargaining between a defendant and the prosecution?

The judge has a role in plea bargaining — the role is to stay out of the plea bargaining. If the judge does not approve, the judge can advise the defendant. The judge does not need to be there in the back room where the pleas are worked out.

The judge has an absolute responsibility to be involved in the plea-bargaining sentencing phase in that he has a responsibility to protect the community. If it looks like the community's interests are being affected by deals that are being worked, the judge has got to have the strength to step up and say no.

The judge does not need to be involved in the plea bargaining. However it the judge's job to ensure the appropriateness of the sentence both for the community and for the victim. When it is not an appropriate sentence, the judge has an absolute responsibility to reject that bargain and offer the defendant the right to withdraw the guilty plea.

The judge needs to stay out of the plea-bargain process. Once it gets in front of the judge in the courtroom, yes, get involved to make sure it meets the standard of the statute but not in the back room, not ahead of time, and I'm afraid that has happened more that it should.

We have outstanding prosecutors in Madison County. When they make a sentencing recommendation, it's usually appropriate. Only if grossly inappropriate should a judge get involved. On occasion when both sides are close to an agreement, I think it's appropriate for a judge to see if a resolution can be reached to avoid a jury trial.

The judge should not be involved in the back-room discussions between prosecutor and defense lawyer on plea bargaining; however it's the judge's decision. It's his name that goes on the order. He has to take responsibility for that decision. If that is to reject or accept the plea bargain, so be it.

I can't think of a single time that I've ever had a judge meddle with the plea bargaining process. But ultimately the judge is elected and has the responsibility to make sure the punishment fits the crime. If elected, I'll have enough sense to stay out of the plea bargaining process.

Questions outnumber solutions at planning forum

By LIBBY FRAAS

A community forum on April 20 designed to engage citizen input into comprehensive land use plans and their implementation offered up some communication strategies for local governments.

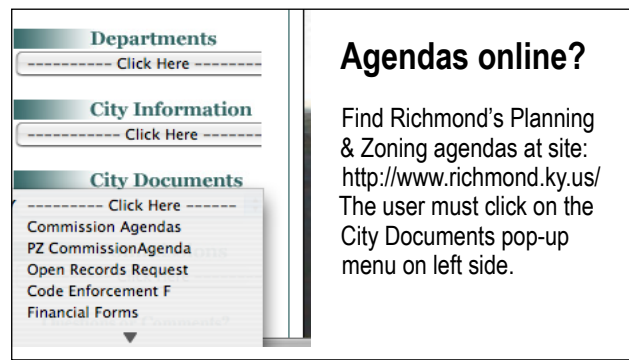
But several participants questioned whether local governments are really using the comprehensive land use plans revised in 2005 as “living documents” to guide decision making on growth and development.

Jeanne Hibberd and I represented the LWV and other citizens groups who organized and/or participated in public forums during the revision of all three local governments comprehensive land use plans. Members of the panel also included Berea Mayor Steve Connelly, Richmond Planning Director Mike Roberts and Madison County Planning Commissioner Paula Maionchi.

The forum, inspired by EKU professor Alice Jones, was supposed to examine how each of our three local governments are implementing a suggested annual review of the comprehensive land use plans.

But only Berea officials talked about having any kind of annual review of the comprehensive plan in place. Ira Newman, the chair of Berea Planning and Zoning Commission, and Mayor Connelly both attended the forum. They continue to distinguish between “strategic” and “comprehensive land-use” planning. A land use plan is designed for the development of property, whereas strategic planning might involve more specific goals such as the development of water resources or bike paths.

Connelly gave an example of how the city of Berea is implementing a strategy for incorporating bike paths into the land-use plan. Berea officials have proposed the first phase of a bike path that would eventually connect the Berea Campus to Indian Fort and the Pinnacles. The process involves discussions with Berea College officials for easements and setting up guidelines for developers along the proposed route to see how their subdivisions would con-



nect to the proposed bike trail as it develops.

Mike Roberts, who was appointed as Richmond's planning director after the 2005 comprehensive plan, told the group that he was not involved with the land use plan and the public input process. Roberts told the audience that it is important for members of the public to give their input when it counts—early in the development process. He said too many come to the meetings to object to a development after it has gone through annexation and zone changes and other approvals.

I challenged Roberts and the other government officials to improve the methods used to inform the public about zone changes and annexations. As an example, I presented an advertisement about a recent zone change in the classified section of the *Richmond Register*. While the city had met its legal requirements, I suggested the spirit of communicating the announcement was certainly missing; the street names were too tiny and illegible to read.

The last part of the forum divided participants into small groups for brainstorming on how to improve communication and citizen input.

Several groups suggested that the comprehensive plan be divided into areas for review on a yearly basis; for example, transportation could be examined one year. They also suggested a citizen advisory committee such as the one set up by Mayor Connie Lawson during the comprehensive plan process might be implemented to assist leaders in gathering input; finally, nearly every

group recommended improved access to information by posting of agenda and minutes and maps online.

THE COSTS OF GROWTH

The forum of local community leaders and citizens kicked off the second annual Campus-Community Partnerships for Sustainability hosted by EKU.

The Conference featured noted smart growth scholar Eben Fodor, author of the popular book, *Better Not Bigger: How to Take Control of Urban Growth and Improve Your Community*. One of Fodor's main points is that growth tends to raise local tax rates and that the short term benefits of additional growth may not outweigh the long term costs.

As our local governments prepare their budgets for 2007-2008, we are hearing in dollars and cents the cost of growth demanded by a larger population.

The Madison County School board, citing a budget shortfall and the need to prepare for the costs of constructing new schools in Richmond and Berea, authorized the superintendent to layoff bus drivers, teachers and teacher aids.

Besides a new middle school near Marshall Elementary, the district's plans include a 500-student elementary and a new vocational school in Berea and a new elementary school and new ninth grade center on new sites in Richmond.

Fiscal Court is grappling with the problem of an overcrowded jail and how to pay for expanding the jail just to handle the current overflow of 45 to 50 inmates, who are sleeping on the floor.

As you drive past the cranes and bulldozers at Duncannon Lane and at Exit 87 this summer, think about the costs of growth. Shopping and restaurant choices and dense residential development are expanding Richmond's periphery. But at what cost?

Miller, Northup 'win' in mock poll

By JOE GERSHTENSON

On April 16 EKU students had an early opportunity to voice their opinions about the candidates for Kentucky's next governor during a "mock primary" sponsored by the Office of Secretary of State Trey Grayson and EKU's Center for Kentucky History and Politics.

Because many students will have already left campus prior to the actual primary on May 22, the mock election was part of an effort to remind students about the upcoming election and engage them in the electoral process.

More generally, the mock election reflects the commitment of Secretary Grayson and the EKU Center to increasing political and civic awareness among younger individuals and reminding them that their voices are important.

Students cast their ballots on one of

Kentucky's electronic voting machines and learned about registering to vote and requesting absentee ballots.

In the Republican primary, Anne Northup outpolled incumbent governor Ernie Fletcher, 52.4 percent to 35.7 percent. Billy Harper received 11.9 percent of the vote.

In the Democratic primary, Jonathan Miller, who has since dropped out of the race, garnered the greatest share of the vote with 36.6 percent.

He was followed by Bruce Lunsford and Steve Beshear, who both received 17.1 percent of the ballots that were cast.

Joe Gershtenson is a LWV member and director of the EKU Center for Kentucky History and Politics. Reach him at joe.gershtenson@eku.edu or 859.622.2606.

Not going to be in town on Election Day?

Voters who will be out of town on election day can go to the Madison County Courthouse and use the voting machine set up in the county clerk's office. The machine is now available from 8 a.m. to 4:30 p.m. every day and on Thursdays from 8 until 6:30.

Bring a photo identification with you

when you go to vote. If you have a question, call the Madison County Clerk's office at 624-4703.

Besides the Republican and Democratic primary elections, voters will also cast their ballot for one of the seven candidates for the 25th District Judge position for Clark and Madison counties.

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We need you!

Board members are needed to help with fund raising, voter registration drives and meetings. Contact LWV by phone number listed above or by sending an e-mail to lwvbmc@yahoo.com to volunteer.



LWV of Berea & Madison County
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**Don't forget to vote
in May 22 primary.**