

HB

120

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 120

Revision Date: _____ Department Affected: Office of the Governor
 Title: "An Act establishing ... gender balance on state boards, commissions..." BRU: Executive Operations
 Component: Executive Office

Sponsor: Reps. Boyer, Brown and Ulmer
 Requestor: House State Affairs

COMPONENT SERIAL NO.

0	0	0	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

The Office of the Governor anticipates minimal fiscal impact from this legislation.

Prepared By: Michael A. Nizich, Director *Maw* Phone: 465-3616
 Division: Division of Administrative Services Date: 3-4-91
 Approved by Commissioner: D. Max Hodel, Chief of Staff
 Agency: Office of the Governor Date: 3/5/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

VICE CHAIRMAN
HOUSE FINANCE COMMITTEE



House of Representatives

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MEMORANDUM

DATE: March 6, 1991

TO: Representative Gene Kubina, Chair
House State Affairs Committee

FROM: Representative Mark Boyer

RE: Scheduling of HB 120

I would like to request that you schedule HB 120, legislation requiring gender balance on boards and commissions, at your earliest convenience. I introduced a version of HB 120 last session. The bill died in the House Judiciary Committee. Attached is a copy of the bill and other pertinent materials.

Two states, Iowa and North Dakota, have gender balance laws. Montana and Delaware both passed resolutions making gender balance a policy to the greatest extent possible. Many other states have introduced legislation this year, these include: California, Kansas, New Jersey, Minnesota, and Rhode Island. The National Women's Political Caucus and the Fund for a Feminist Majority, both based in Washington, D.C., are strong proponents of this legislation. It is time to end the inequality and under-representative of women in appointive office.

I've spoken with Don Tanner, director of Boards and Commissions in the Governor's Office, regarding this legislation. While I do not purport to speak for the Governor on this issue, it was clear from my meeting with Mr. Tanner that the Governor feels strongly that the Legislature has no authority in this area. I feel equally strongly that this administration's position and policy needs to be fully explored for the record and I hope that this bill will provide a forum for this discussion.

If you have additional questions, please contact Alexis Miller of my staff at 465-3467. Thanks for your early scheduling of HB 120.

FAIRBANKS 20B



STATE OF ALASKA - OFFICE OF THE GOVERNOR

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

P.O. Box AE (MS 0117), Juneau, Alaska 99811, (907) 465-3570

BOARDS & COMMISSIONS

STEVE COWPER
GOVERNOR

MEMORANDUM

NOV 1 1989

TO: Penny Forsmo
Director
Boards and Commissions
Office of the Governor

DATE: October 31, 1989

FILE:

PHONE: 465-3570

FROM: Timothy J. Weiss
Publications & Statistical
Technician
Office of Equal Employment
Opportunity
Office of the Governor

SUBJECT: Updated Statistics

Attached are the updated race/sex statistics for boards and commissions members and charts for comparison.

You also requested information on comparing numbers of female boards and commissions members. The following are some percentages that may be useful.

	<u>% of Females</u>
Boards & Commissions Members	33.2%
Civilian Labor Force	42.0%
Women in Population	48.0%
Executive/Managerial Occupations (CLF)	37.5%
Women Employed by the State	44.7%
Overall Goals for Women in Higher Paying Jobs in State Government (Pay Range 18 and above)	31.8%
Women Employed in Higher Paying Jobs in State Government (Pay Range 18 and above)	28.6%

If you have any questions or need further information, please to not hesitate to call.

cc: Michael G. McKennet

State of Alaska
Office of the Governor
Office of Equal Employment Opportunity

Boards and Commissions Memberships by Race and Sex

Date: October 30, 1989

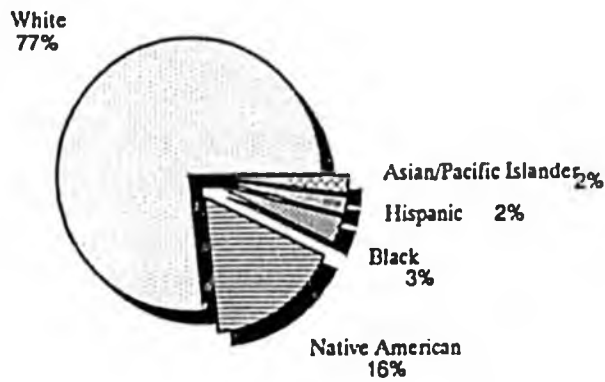
Total Boards & Commissions Members*: 988

		Number and Percentage of Boards & Commissions Members					
Code	Race/Sex	#	%	#	%	#	%
	Unknown	6	0.6%	202	20.4%	139	14.1%
F	Unknown Female	49	5.0%				
M	Unknown Male	147	14.9%				
D	Alaska Native Female	46	4.7%	130	13.2%	139	14.1%
P	Alaska Native Male	84	8.5%				
A	American Indian Female	5	0.5%	9	0.9%	139	14.1%
K	American Indian Male	4	0.4%				
B	Asian/Pacific Islander Female	5	0.5%	9	0.9%	139	14.1%
L	Asian/Pacific Islander Male	4	0.4%				
C	Black Female	12	1.2%	22	2.2%	139	14.1%
O	Black Male	10	1.0%				
E	Hispanic Female	3	0.3%	8	0.8%	139	14.1%
S	Hispanic Male	5	0.5%				
H	White Female	208	21.1%	608	61.5%	139	14.1%
T	White Male	400	40.5%				
	Total Female	328	33.2%				
	Total Minority	178	18.0%				

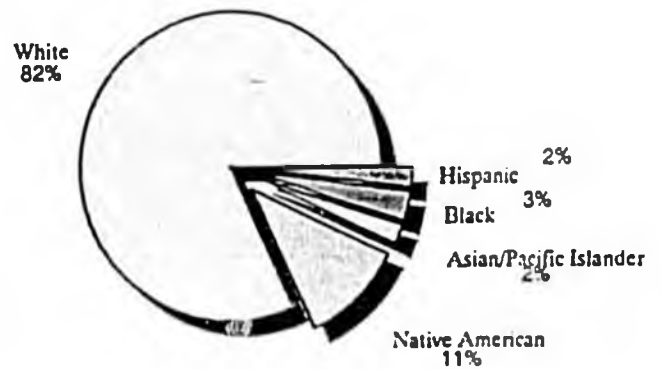
* This report includes boards and commissions members and not positions. In cases where individuals are on more than one board or commission they are only counted once.

Racial and Ethnic Diversity in Alaska

Alaska Population Statistics



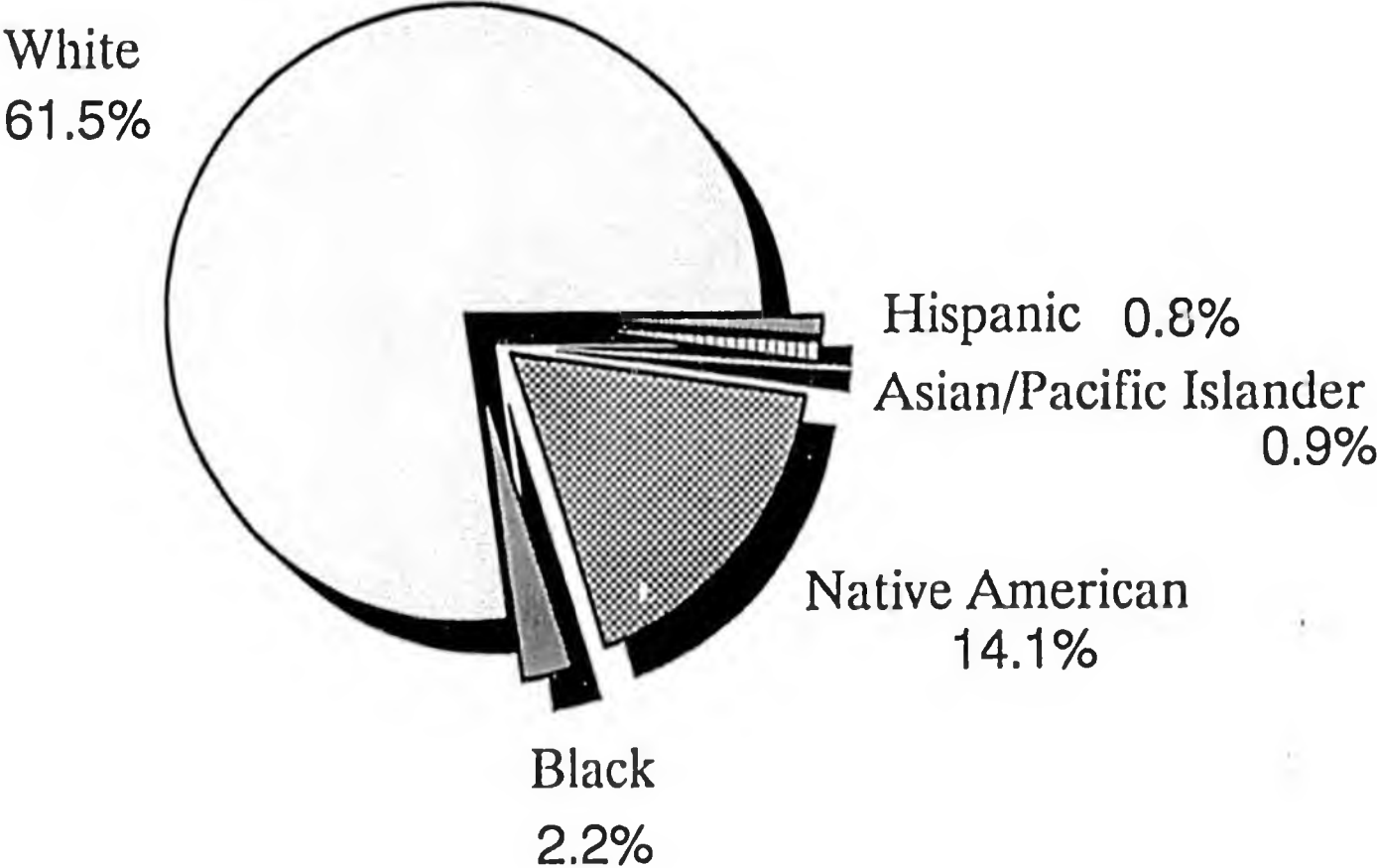
Alaskan Civilian Labor Force



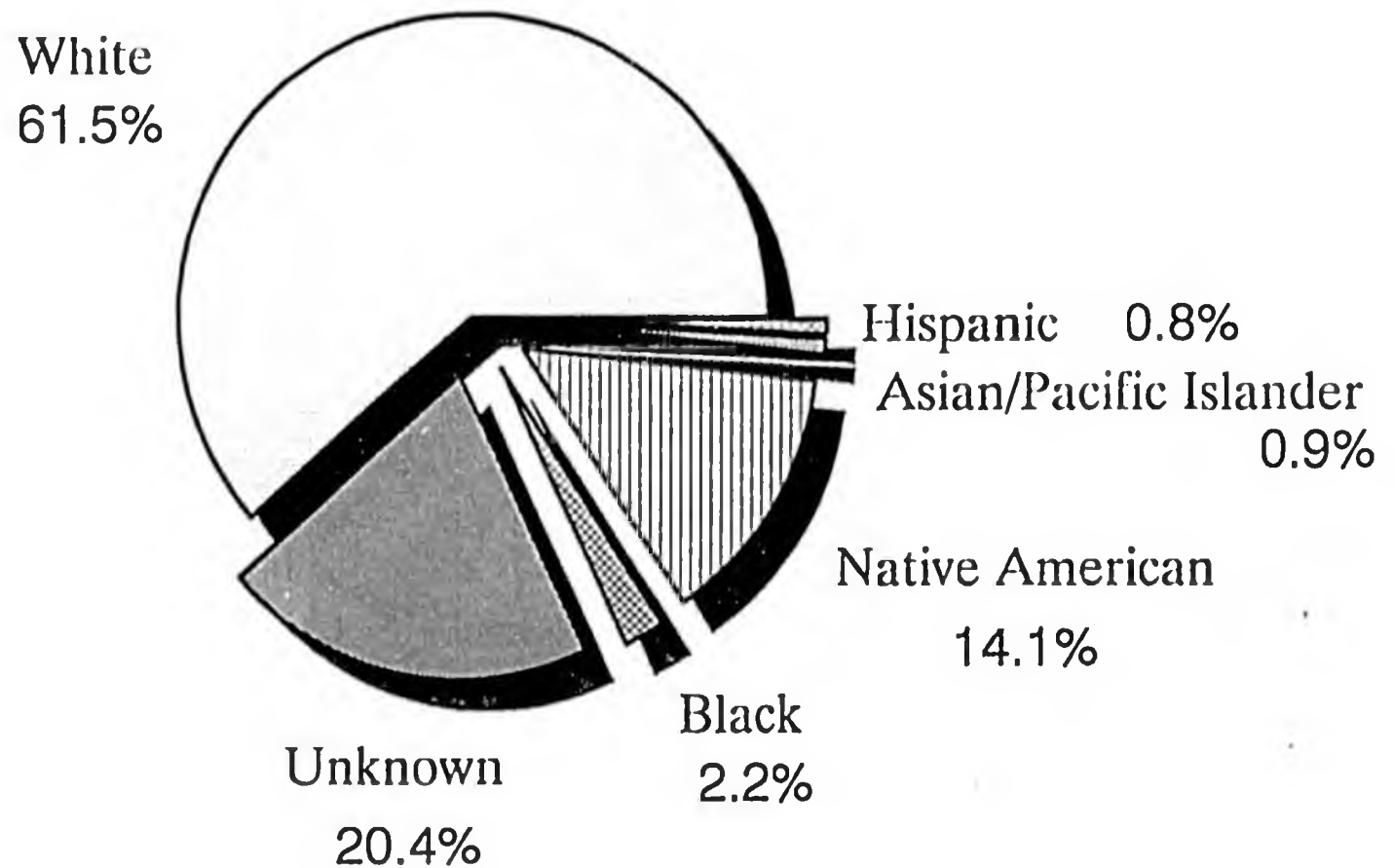
Members of Boards and Commissions as of October 30, 1989



Members of Boards and Commissions as of October 30, 1989



Members of Boards and Commissions as of October 30, 1989



Alaska State Legislature



Legislative Research Agency

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Phone: (907) 465-3001
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February 15, 1991

MEMORANDUM

TO: Representative Mark Boyer

FROM: Carol R. Vandor *CV*
Legislative Analyst

RE: Gender Balance on State Boards and Commissions
Research Request 91.140

You asked for Iowa's statute which requires gender balance on state boards and commissions. You also requested a sample of other state statutes or legislation.

According to the National Conference of State Legislatures, North Dakota also has a gender balance statute. Florida and Kansas have introduced legislation requiring gender balance. The statutes and bills are attached.

If we may be of further assistance, please contact this office.

Attachments

62, 66, 71, §69.12, 69.12; 81 Acts, ch

ices.
ive state officers. If of senator in the utenant governor, treasurer of state, y general seventy- l election, and the icancy exists has er the date of that l be filled for the that general elec- the vacancy shall ste of election has alified.
ccurs in the office re offices listed in prior to a general in which the va- days to run after the vacancy shall nexpired term at ion elected to fill soon as a certifi- id the person has

vacancies.
shall be held for ator or represen- hen the body in session, or will election, and the n five day from il election, giving such election. In fill a vacancy in session or within any session, the ot apply and the election at the least ten days' called under this and shall not be ction within the

§97, §1279; C24, 8, 62, 66, 71, 73,

tendance - va-
ed by the gover- us state shall be ation from such ts occurs.

1. The person does not attend three or more consecutive regular meetings of such board. This paragraph does not apply unless the first and last of the consecutive meetings counted for this purpose are at least thirty days apart.

2. The person attends less than one-half of the regular meetings of such board within any period of twelve calendar months beginning on July 1 or January 1. This paragraph does not apply unless such board holds at least four regular meetings during such period. This paragraph applies only to such a period beginning on or after the date when the person takes office as a member of such board.

If such person received no notice and had no knowledge of a regular meeting and gives the governor a sworn statement to that effect within ten days after the person learns of the meeting, such meeting shall not be counted for the purposes of this section.

The governor in the governor's discretion may accept or reject such resignation. If the governor accepts it, the governor shall notify such person, in writing, that the resignation is accepted pursuant to this section. The governor shall then make another appointment to such office. Such appointment shall be made in the same manner and for the same term as in the case of other vacancies caused by resignation from such office.

As used in this section, "board" includes any commission, committee, agency, or governmental body which has three or more members.

(C71, 73, 75, 77, 79, 81, §69.15)

69.16 Appointive boards - political affiliation.

All appointive boards, commissions, and councils of the state established by the Code if not otherwise provided by law shall be bipartisan in their composition. No person shall be appointed or reappointed to any board, commission, or council established by the Code if the effect of that appointment or reappointment would cause the number of members of the board, commission, or council belonging to one political party to be greater than one-half the membership of the board, commission, or council plus one.

In the case where the appointment of members of the general assembly is allowed, and the law does not otherwise provide, if an even number of legislators are appointed they shall be equally divided by political party affiliation; if an odd number of members of the general assembly are appointed, the number representing a certain political party shall not exceed by more than one the legislative members of the other political party who may be appointed. If there are multiple appointing authorities for a board, commission or council, the appointing authorities shall consult to avoid a violation of this section. This section shall not apply to any board, commission, or council established by the Code for which

other restrictions regarding the political affiliations of members are provided by law.
(C77, 79, 81, §69.16)

86 Acts, ch 1245, §2040; 87 Acts, ch 218, §7

69.16A Gender balance.

All appointive boards, commissions, committees and councils of the state established by the Code if not otherwise provided by law shall be gender balanced. No person shall be appointed or reappointed to any board, commission, committee, or council established by the Code if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, committee, or council plus one if the board, commission, committee, or council is composed of an odd number of members. If the board, commission, committee, or council is composed of an even number of members, not more than one-half of the membership shall be of one gender. If there are multiple appointing authorities for a board, commission, committee, or council, they shall consult each other to avoid a violation of this section. This section shall not prohibit an individual from completing a term being served on June 30, 1987.

86 Acts, ch 1245, §2041; 87 Acts, ch 218, §8; 88 Acts, ch 1150, §1

69.17 Employees as members - voting.

If an employee of an appointive board, commission, or council is a member of the board, commission, or council, that employee shall not be a voting member. Payment of per diem and expenses shall not cause a member to be considered an employee of that board, commission or council.

(C77, 79, 81, §69.17)

69.18 Salary of acting appointees.

If a vacancy occurs in a position which is appointed by the governor subject to confirmation by the senate and the governor designates a person to serve in that position in an acting capacity, that person shall not receive compensation in excess of that authorized by law for a person holding that position.

(C81, §69.18)

69.19 Terms of appointments confirmed by the senate.

All terms of office of positions which are appointed by the governor, have a fixed term and are subject to confirmation by the senate shall begin at 12:01 a.m. on May 1 in the year of appointment and expire at 12:00 midnight on April 30 in the year of expiration.

(C81, §69.19)

Initial appointments unaffected. SACA, ch 1010, §87 Senate confirmation, §2.22

54-06-17. Certain rental-purchase-type agreements authorized. With the approval of the office of management and budget, any department, agency, or institution of the state currently leasing or renting office equipment under an agreement that is convertible to a rental-purchase or similar agreement, upon certification to the office of management and budget that conversion of such leasing or rental agreement to a rental-purchase or similar agreement is to the financial advantage of the state and does not commit the state to payments thereon beyond the biennium for which funds are available, may convert such rental or leasing agreement to such rental-purchase-type agreement.

Source: S.L. 1975, ch. 468, § 1.

54-06-18. Director to authorize postage meters. No state agency, department, or institution may obtain or use a postage meter unless authorized to do so by the director of institutions. All state agencies, departments, and institutions which obtain or use a postage meter prior to July 1, 1975, shall apply to the director for such authorization within one month after July 1, 1975. Each state agency, department, or institution which is authorized by the director to obtain or use a postage meter shall maintain such records as the director may require and shall allow the director to inspect such records upon request. The director of institutions shall keep in his office a record of the identification numbers of all postage meters which his office has authorized for usage.

Source: S.L. 1975, ch. 469, § 1.

54-06-19. Appointive boards, commissions, committees, and councils — Gender balance. Appointments to boards, commissions, committees, and councils of the state established by this code, if not otherwise provided by law, should be gender balanced to the extent possible and to the extent that appointees are qualified to serve on those boards, commissions, committees, and councils. Any appointment in accordance with this section should be made in a manner that strives to seek gender balance based on the numbers of each gender belonging to the group from which appointments are made. Ex officio members are not to be included in determining gender balance under this section.

Source: S.L. 1989, ch. 635, § 1.

90 days after filing, pursuant to N.D. Const., Art. IV, § 13.

Effective Date.

This section became effective July 6, 1989.

54-06-20. Indigent civil legal services fund — Distribution — Continuing appropriation — Records.

1. An advisory committee consisting of the lieutenant governor, the attorney general or the attorney general's designee, and the state

By Representative Jennings

1 A bill to be entitled

2 An act relating to the membership of

3 statutorily created boards, commissions,

4 councils, and committees of the state;

5 declaring state policy with respect to the

6 gender balance of the membership of such

7 bodies; prohibiting the appointment or

8 reappointment of a person to such a body if the

9 appointment or reappointment would cause the

10 number of appointive members of that body who

11 are of one gender to exceed a certain number;

12 providing exceptions; providing an effective

13 date.

14

15 Be It Enacted by the Legislature of the State of Florida:

16

17 Section 1. (1) It is the policy of this state that

18 the appointive membership of each board, commission, council,

19 and committee of the state established by statute be balanced

20 by gender unless otherwise provided by the statute

21 establishing the board, commission, council, or committee. A

22 person may not be appointed or reappointed to a statutorily

23 created board, commission, council, or committee of the state

24 if the appointment or reappointment would cause the number of

25 appointive members of the board, commission, council, or

26 committee who are of one gender to be greater than the number

27 equal to:

28 (a) The lowest whole number which is greater than one-

29 half of the number of appointed members of the board,

30 commission, council, or committee if the statute establishing

31

1 the board, commission, council, or committee provides for an
 2 odd number of appointed members; or
 3 (b) One-half of the number of appointed members of the
 4 board, commission, council, or committee if the statute
 5 establishing the board, commission, council, or committee
 6 provides for an even number of appointed members,
 7 (2) If there are multiple appointing authorities for a
 8 board, commission, council, or committee, they shall consult
 9 with each other to avoid a violation of subsection (1).
 10 Section 2. This act does not prohibit a member of a
 11 board, commission, council, or committee from completing a
 12 term being served as such member when this act takes effect;
 13 and a person appointed to a board, commission, council, or
 14 committee before the effective date of this act may not be
 15 removed from office solely for the purpose of meeting the
 16 gender requirements of this act.
 17 Section 3. This act shall take effect upon becoming a
 18 law.

HOUSE SUMMARY

22 Prohibits the appointment or reappointment of a person to
 23 a statutorily created board, commission, council, or
 24 committee of the state if the appointment or
 25 reappointment would cause the number of appointed members
 26 of that body who are of one gender to exceed a number
 27 equal to the lowest whole number greater than one-half of
 28 the number of appointed members, in the case of an odd-
 29 numbered appointive membership, or one-half of the number
 30 of members, in the case of an even-numbered appointive
 31 membership.

2 This publication was produced at an average cost of 1.12 cents
 3 per single page in compliance with the Rules and for
 4 the information of members of the Legislature and the public.

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Kansas

SESSION OF 1990

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 3105

As Amended by House Committee

As Amended by House Committee on
Governmental Organization

HOUSE BILL No. 3105

By Committee on Taxation

3-29

Brief

H.B. 3105 would state that it is the policy of the State of Kansas that appointments to state governmental bodies established by statute (including boards, commissions, committees, and councils) be made in such a way that the gender and race of persons appointed to the body be representative of the population regulated or served by the body. For purposes of achieving gender balance in appointments to the body, if it is not possible to reasonably determine the population served by a state governmental body or what the composition of the population is, it would be assumed that the population consists of an equal number of males and females.

Background

H.B. 3105, as introduced, pertained to "gender balance" on boards, commissions, committees, councils, and other state governmental bodies established by Kansas statute. The bill would have made it the policy of the state that appointments to governmental bodies be made in such a way that the composition of the body reflect the composition of the population being served or regulated.

The House Committee amended the bill to add race as a second criterion that should be considered in making appointments. The effect of the amendment would be that appointments should be made to state governmental bodies in such a way that the racial composition of the body, in addition to gender, reflect the composition of the population being served or regulated.

House Committee amendments delete the parity section of the bill.

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AN ACT concerning appointments to certain state governmental bodies; relating to gender and race of appointees.

Be it enacted by the Legislature of the State of Kansas.

Section 1. (a) It is the policy of this state that appointments to boards, commissions, committees, councils or other state governmental bodies, established by Kansas statute, should be made in such a manner that the gender and race of appointive members of each such body is representative of the gender and race of persons in the population served by such body. Except as otherwise provided by law, no appointment shall be made to any such body unless the appointment advances such policy to the greatest extent possible. If for the purpose of appointments made on the basis of gender, if it is not reasonably feasible to determine the population served by a body or the gender of persons in such population, it shall be assumed that there are equal numbers of males and females served by the body. If there are multiple appointing authorities for a body, such appointing authorities shall consult each other to avoid a violation of this section.

(b) Violation of subsection (a) constitutes willful misconduct in office and, in such, is grounds for a quo warranto action or an ouster action, or both.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

* Supplemental Notes are prepared by the Legislative Research Department and do not express legislative intent.

ASSEMBLY BILL

No. 2677

Introduced by Assembly Member Maxine Waters

January 24, 1990

An act to add Section 11140.5 to the Government Code, relating to state boards and commissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2677, as introduced, M. Waters. State boards and commissions: composition.

Existing law provides that it is the policy of this state that the composition of state boards and commissions be broadly reflective of the general public, including ethnic minorities and women.

This bill would require that, whenever the number of persons of one gender appointed to a state board or commission created prior to January 1, 1991, exceeds the number of persons of the other gender appointed to that board or commission, the appointing power appoint a person from the gender which has fewer appointees to any vacant position.

The bill would also require that, in making appointments to any board or commission created on or after January 1, 1991, the number of appointments by an appointing power of one gender not exceed by more than one the number of appointments from the other gender. When an unequal number of appointments has been made from each gender, a vacant position would be required to be filled by a person from the gender with fewer appointees on the board or commission.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11140.5 is added to the
2 Government Code, to read:

3 11140.5. (a) In order to obtain parity between the
4 percentage of women in the state's population and the
5 percentage of state board and commission members who
6 are women, an appointing power shall, in accordance
7 with subdivisions (b) and (c), make appointments to
8 state boards and commissions, created prior to, on, or
9 after January 1, 1991, in a manner which will ensure that
10 women comprise approximately 50 percent of the
11 membership on each state board and commission.

12 (b) Whenever the number of persons of one gender
13 appointed to a state board or commission created prior to
14 January 1, 1991, exceeds the number of persons of the
15 other gender appointed to that board or commission, the
16 appointing power shall appoint a person from the gender
17 which has fewer appointees to any vacant position.

18 (c) In making appointments to any board or
19 commission created on or after January 1, 1991, the
20 number of appointments by an appointing power of one
21 gender may not exceed by more than one the number of
22 appointments from the other gender. When an unequal
23 number of appointments has been made from each
24 gender, a vacant position shall be filled by a person from
25 the gender with fewer appointees on the board or
26 commission.

GETTING EVEN

Women push for gender-balance laws in government

The idea was so simple that many feminists wondered why they hadn't thought of it before:

If women don't like the way government treats them, then get more women into government.

Or, as Iowa state Rep. Minnette Doderer put it, "We will be less demeaned if we're at the table."

Not without some resistance—most specifically from the governor—women in Iowa did get to the table. In 1987, a so-called "gender-balance" law was enacted, making Iowa the first and only state to mandate that women and men be equally represented on all boards and commissions.

Yesterday, California state Sen. Diane Watson, D-Los Angeles, announced that she intends to follow in Iowa's footsteps.

But Watson is treading lightly. At an afternoon news conference in Sacramento yesterday, she said she will introduce a non-binding resolution later this year calling for gender balance on all state boards and commissions.

Watson voiced her intentions as the Women Legislators Caucus released a yearlong study yesterday that showed women constitute 27 percent of all appointments to such agencies.

That number clearly disappointed female lawmakers. "The report . . . shows we have a long way to go before women hold their fair share of board and commission appointments," said Assemblywoman Sally Tanner, D-El Monte.

Said Watson, "I certainly think we are remiss for not requiring that the administration reflect the demographics of this state."

There are more than 400 boards and commissions in California. They range from powerful agencies like the Public Utilities Commission to obscure entities such as the Board of Fabric Care.

Appointments are considered important not only because they carry decision-making authority, but also because they often serve as bureaucratic training wheels for would-be politicians.

Watson contends that far too many women are denied the power and experience offered by such appointments. She and feminist organizations point to these statistics as proof:

Women constitute only 15 percent of the California Legislature. In Con-

By Deborah Hastings
Herald Examiner staff writer

gress, women hold 5 percent of the 535 seats.

"If development continues at this rate, it will take 70 years to gain equality on the state level and 350 years in Congress," said Kathy Spillar, national coordinator of the Fund for the Feminist Majority.

Watson's resolution is designed to test the legislative waters, said staff consultant Carolyn Robinson. "This is just the place to start," Robinson said.

Also, it is a matter of logistics. Deadlines for the introduction of new legislation have passed for this session, which began Monday.

If reaction to her resolution is favorable, Watson said she will introduce a bill next year calling for equal representation.

The senator's efforts are being duplicated in 15 other states across the country. And the push for gender-balance laws represents the latest, and possibly the most easy to win, battle in the ongoing war over women's rights.

"It's really something that at a gut level, people think is right," said Tamar Raphael, press secretary for the Fund, which is coordinating a nationwide campaign on the issue.

Unlike in the divisive battle over abortion, Raphael said her group has encountered little resistance to the idea of legally stipulating that an equal number of men and women serve on state agencies.

"There has been no opposition so far," Raphael said. "It's actually a pretty hard issue to oppose, because it's just demanding equal representation of women and men."

Those who have worked on Watson's resolution in California, however, do expect opposition—from conservative Republican Gov. George Deukmejian.

"We don't think Governor Deukmejian will like it at all," said Annette Smail, a longtime women's activist who brought the idea of gender-balance legislation to Watson's attention.

The governor has "a very poor record" of appointing women, Smail said. "He hasn't been very innovative or creative at all."

Since taking office in 1983, Deukmejian has made 6,815 gubernatorial appointments, according to his press office. Of that number, 1,827 were women, 463 were Hispanic and 336 were black.

"The governor is proud of his record in appointing women and minorities, and rightfully so," said Deukmejian spokesman Tom Beerman.

Asked if the governor would support Watson's resolution, Beerman replied, "It's not something that has been brought to the governor's attention . . . so it's something that has not been considered before."

In Iowa, Gov. Terry Branstad's resistance to his state's gender-balancing bill—overwhelmingly passed by the Legislature—spurred a statewide uproar.

"He claimed it wasn't possible to find qualified women," said veteran Rep. Doderer, D-Iowa City, who has served 24 years in the Statehouse.

Legislators responded by submitting lists of qualified women to the Des Moines Register, which ran them on its editorial page for four days in a row.

Now, Doderer said, women comprise at least 49 percent of every board and commission in the state. "I think it's the best thing we've ever done in advancing women's issues," she said.

"Government is too important to leave to just one sex."

Outside the United States, laws mandating gender equity are not novel approaches.

In Norway, for example, there is the "60-40" rule, which stipulates that neither sex can comprise less than 40 percent of a party's parliamentary seats, according to Raphael of the Fund for the Feminist Majority.

The Green Party, a left-leaning environmental group quickly gaining political strength in a number of countries, mandates that 50 percent of its candidates be women, Raphael said.

But the United States has a long way to go before it embraces such ideology, feminists lament.

"We're so far from equality it isn't even funny," said Spillar.

"Right now it's an old boys' network, and we're saying you've got to cut women in. I don't expect they're going to like it, because these are very powerful positions."

Reprinted with permission
LA Herald Examiner 8/25/89.

Few women on high-power panels

Associated Press

Women are underrepresented on state, county and city boards and commissions — particularly those with power in non-traditional areas, women legislators said Wednesday.

"It's very important for women across the state not to be lulled into a 'We've come a long way, baby' " attitude, said Assemblywoman Jackie Speier, D-South San Francisco.

The Women Legislators Caucus held a Capitol news conference to release a study funded by the Senate Rules Committee called "California Women Get on Board!"

The study looked at 3,000 appointments to state boards and commissions made by the governor, the Rules Committee and the Assembly. It also considered appointments made by 13 counties and 24 cities.

At the state level, women held 27.6 percent of appointments. They were 34.3 per-

cent of the county board seats and 35.5 percent of city advisory positions examined.

The report said women did not reach parity of 51 percent on any type of board studied at the state level. The highest was health and social service boards, which were 41 percent women; the lowest were public safety boards, at 10 percent.

In counties women reached parity only on health and social services boards. In cities, they reached parity on health and social services and on library boards.

"It's disturbing that women have continued to have the most difficult time being appointed to the most significant boards and non-traditional ones," said Assemblywoman Delaine Eastin, D-Union City.

Women were only 26 percent of city planning commissions, only 17 percent of county transportation and public works boards where "big dollar decisions" are made and only 21 percent on county finance and economic development boards, Eastin said.

They were only 12 percent of city construction boards, only 5 percent of county construction boards and 9 percent of county agricultural positions.

"Those boards and commissions with a salary or per diem or expenses, rarely is a woman appointed," said Assemblywoman Sally Tanner, D-El Monte.

The next step for the caucus, said Eastin, is to seek ways to notify more women of openings and to train and serve as mentors for potential women appointees.

The Legislature itself, while at a historic high for women, is still far below parity. The 80-member Assembly has 14 women, while the 40-member Senate has four, for representation rates of 17.5 and 10 percent respectively.

The legislators said the boards and commissions are important because they often serve as ladders for people interested in government to get experience for future political office.

Why are there so few female judges in Iowa?

By ROX LAIRD



In 1962 the Iowa Constitution was amended to change the way Iowa judges are selected, removing the process from partisan politics and putting it into the hands of non-partisan commissions and the governor.

It is generally conceded that the change was needed, that the political process was the wrong way to decide who should serve as judges in Iowa's courts. But has the judicial-selection process become captive of another group — the Iowa bar, which is dominated by white, male, middle- and upper-class, middle-aged lawyers?

Some women believe that is the case, and the numbers of male judges

See editorial at left.



compared to women would seem to support the contention: Of Iowa's 153 judges only six are women.

That's just under 4 percent, or about half the national average. Minnesota has nearly double that percentage; Kansas nearly triple.

The subject has been a source of frustration for some Iowa women lawyers as they have seen their applications, or those of other women, passed over in favor of men. But they aren't eager to complain openly, knowing that it would sound like sour grapes, fearing that they might be denied another shot at appointment.

In the insular world of Iowa's legal establishment, where the pecking order is firmly established, newcomers and individuals outside the hierarchy are understandably reluctant to openly accuse the bar of cronyism, sexism or good-old-boyism.

Rox Laird is a Register editorial writer.

Recently, though, Iowa Court of Appeals Judge Rosemary Shaw Sackett, in a Sunday Register interview, broke that code of silence after she was passed over for nomination to the Supreme Court in favor of three men.

In words very carefully chosen, and noting the system's good points, Sackett politely characterized the judicial-selection process as a male bastion that has kept women out.

The reaction in and out of legal circles was predictable: Many saw it as sour grapes. Some Statehouse types even say her statements might have ended her hopes for advancement.

Sackett surely knew that whatever she did would be widely perceived as coming from bitterness over her own disappointment rather than from the frustration of seeing the system once again work for the men and against a woman. So it was a courageous action, one that many other women lawyers in Iowa might be thanking her for because it brought to the surface an issue that deserves airing.

As a practical matter, what Sackett said was fairly obvious. There aren't many women judges in Iowa: One on the Court of Appeals, three on the district courts and two on the district associate courts. The question: did that come about because of a low number of eligible women, or because the judicial-nominating process is flawed or captive of the male-dominated bar?

According to the most reliable count, there are 584 women licensed and practicing law in Iowa. That compares with more than 5,500 licensed practicing attorneys, so women number about 10 percent of the total. The rule of thumb would dictate that one judge in 10 should be a woman, or about 15 of the total.

So, Iowa women lawyers aren't far from what might be considered a "minimum" representation of women

on the bench. There should be no problem getting to that level at the rate district judges have been appointed recently. Former Gov. Robert Ray appointed 35 in his last term; Branstad has appointed 19 to the district court in his three years, including one woman — the only woman nominated.

In the meantime, if women want their rightful place in the courthouse, they won't be able to wait for men to invite them. Rather, they will have to take it by storm, by getting elected to the nominating commissions and putting up more of their numbers for judicial appointment, watching the appointment process and, when women are passed over, asking why.



STATEHOUSE BRIEFING

D.M. Register 3/11/87

Floor action

Judicial nominating commissions would be required to have a balanced number of men and women as members, under a bill approved 12-5 Tuesday by the Iowa Senate. The commissions pick state judges. Under the bill, no more than a simple majority of commission members could be of one gender.

"Bringing More Women into Public Office"

a project of

Center for the American Woman and Politics, Eagleton Institute of Politics, Rutgers—The State University of New Jersey
New Brunswick, New Jersey 08901
201/828-2210

WOMEN'S ROUTES TO ELECTIVE OFFICE

Many women officeholders received encouragement and support for their candidacies from women's organizations.

- Women officeholders are more likely than their male colleagues to report that an organization played an important role in getting them to run for office, with women most often citing women's organizations in particular as having been important.
- About one-fourth of women state legislators and county commissioners were actively encouraged by a women's organization to run for office.
- 54% of women state legislators received formal or informal support for their candidacies from women's organizations.

Substantial proportions of women officeholders belong to women's organizations.

- Many women officeholders--ranging from over one-third of women local council members to over three-fourths of women state legislators--belong to at least one of five major women's organizations (AAUW, BPW, LWV, NOW, or WPC).
- Among women officeholders, 58% of state senators, 46% of state representatives, 29% of county commissioners, and 7% of local council members belong to feminist organizations such as the National Organization for Women or the Women's Political Caucus.

Women have often been inspired and assisted in their political careers by other women.

- Among women officeholders whose political involvement was inspired by role models, one-third of state representatives and one-fourth of state senators, county commissioners, and local council members had women as their role models.
- Among women state legislators who received guidance from political mentors, 22% had women as their mentors.
- Among women officeholders, 44% of state legislators, 29% of county commissioners, and 15% of local council members worked on women's campaigns before running for office themselves.

A majority of women officeholders take liberal stands on women's issues.

- Women officeholders are more likely than their male colleagues to support ratification of the ERA. Supporting the ERA are 77% of women state legislators, 59% of women county commissioners, and 53% of women local council members, compared with 49% of male legislators, 43% of male county commissioners, and 49% of male local council members.
- Women officeholders are more likely than their male colleagues to oppose a constitutional amendment to ban abortion. Among women officeholders, 76% of state senators, 80% of state representatives, 70% of county commissioners, and 60% of local council members--compared with about one-half to three-fifths of men across different levels of office--oppose a constitutional ban on abortion.

(over)

• While women officeholders are generally less likely than their male colleagues to have held previous elective offices, women more often than men have had other types of political experience.

- Women across different levels of office generally have less elective experience than men in office. However, the higher the level of office, the more likely women are to have previous elective experience, with as few as 11% of female local council members and as many as 47% of female state senators having held previous elective positions.
- Women officeholders are more likely than their male colleagues to have held appointive government positions. Among women officeholders, 55% of state senators, 42% of state representatives, 41% of county commissioners, and 36% of local council members have held appointive government offices.
- Women officeholders are more likely than their male colleagues to have worked in political campaigns before running for office themselves. Among women officeholders, 84% of state senators, 82% of state representatives, 70% of county commissioners, and 48% of local council members had campaign experience before they ran for office.

Women officeholders tend to have similar backgrounds.

- Women officeholders are more likely than their male colleagues to have attended college. Among state legislators, a majority of both women and men are college graduates.
- At least one-fourth of women and men in state legislatures have advanced degrees, but women are less likely than men to have law degrees.
- About one-third of women state legislators and about one-half of women county and local officeholders have worked in traditionally female-dominated occupations such as school teaching, nursing, social work, or clerical work.
- Among women, 63% of state senators, 72% of state representatives, 69% of county commissioners, and 77% of local council members--smaller proportions than of their male colleagues--are currently married.
- Women officeholders are more likely than their male colleagues to have grown children. A majority of the women have children who are at least eighteen years old.

This information is largely taken from Women's Routes to Elective Office: A Comparison with Men's. The report is based on a nationwide survey of state legislators and county and local officeholders in 1981. The samples include: 73 female and 68 male state senators, 447 female and 201 male state representatives, 101 female and 101 male county commissioners, and 151 female and 151 male local council members. (Data on mayors are also included in the report.) The information on positions on issues is taken from Women Make a Difference. Both reports are part of a seven-report series entitled "Bringing More Women into Public Office." The reports are available from the Center for the American Woman and Politics.

CALIFORNIA WOMEN GET ON BOARD!

**A Report
from the
California Board and Commission Project**

**Kate Karpilow, Ph.D.
Project Director**

**Julia Brootkowski
Research Assistant**

**Prepared for the
California State Senate Rules Committee**

**at the request of the
Women Legislators Caucus**

June 1989

Executive Summary

In January of 1988, the California Women Legislators Caucus requested that the Senate Rules Committee sponsor **The California Board and Commission Project**, a study to investigate the representation of women on both statewide and local boards and commissions.

More than a decade previously, legislation had been adopted requiring that public records be maintained on state, county and city board and commission appointments. The authorizing Government Codes, Section 12033 adopted in 1974 and Section 54970 adopted in 1975, also established requirements for public noticing of board vacancies.

Using the registries, the purpose of the California Board and Commission Project was to evaluate the extent to which the state's boards and commissions were balanced and representative of the state's general population -- with a particular focus on the participation of women.

Due to the considerable cooperation of local jurisdictions, registries were gathered from a representative sample of 18 counties and 24 cities. The Office of the Governor, the Senate Rules Committee, and the Office of the Speaker were also generous in providing information on their more than 3000 state appointments.

The results provide hard facts to back up more informal observations that there is significant under-representation of women on both statewide and local boards and commissions. Moreover, the results aid in the process of identifying where additional attention is needed if parity is to be achieved.

At the state level, women held only 27.6% of all board and commission appointments. In the sample of 18 counties, women held 34.3% of all board seats. In the sample of 24 cities, women held 35.5% of the advisory positions.

Women did not reach parity, or 51%, on any board type at the state level. In counties, women only reached parity on one type of board: health and social services. In cities, women only reached parity on health and social service boards and library boards. At all levels of government, the representation of women decreased dramatically on boards advising in women's non-traditional areas of employment.

SECTION THREE

CONCLUSIONS AND DISCUSSION

Appointment of women significantly less than 51% for all three levels of government

Women's appointment to statewide, county and city boards and commissions was significantly less than 51%, their proportion in the general population. Women's participation on statewide boards was only 27.6% for the 3044 appointments made by the Governor, the Senate Rules Committee or Senate Pro Tempore of the Senate, and the Speaker of the Assembly.³⁰ A representative sample of 24 cities and 18 counties found that women held approximately one-third of the board seats in cities and counties: 35.5% in the cities and 34.3% in the counties.

State Appointments

At the state level, women did not reach parity, or 51%, on any board-type. The highest representation was on health and social services boards (41%), followed by education boards (35%).

Participation on state boards was particularly low on boards advising in fields where women have not been traditionally employed. Women held only 10% of the public safety appointments, 11% of the transportation and public works appointments, 19% of the appointments to boards dealing with environmental and natural resources issues, 20% of the appointments to tourism boards, and 21% of the appointments to boards advising on finance and economic development.

We also found that women were somewhat less likely to hold salaried positions. Overall, women held 26% of the board positions receiving no compensation and 27% of the positions providing expenses or per diem, but 22% of the positions receiving salaries.

Men were more likely to hold regulatory positions (50%) than they were to hold advisory positions (44%), while women were more likely to hold advisory positions (47%) than they were to hold regulatory positions (44%).

Compared to men, women had a somewhat reduced opportunity to be appointed to boards requiring Senate confirmation. 24% of all male gubernatorial appointees held positions requiring Senate confirmation, compared to 20% of all women appointees.

The appointee's political party appears to affect the likelihood of appointment.

For both cities and counties, we found that increases in population were significantly and positively associated with the appointment of women. More women were also appointed in cities with higher African-American populations and in counties with higher Asian/Pacific Islander populations. The percentage of Democratic or Republican voters in the communities was not associated with the percentages of women on boards and commissions. Cities with a higher percentage of women elected in 1982 had a higher percentage of women in appointed office, but this association was not found for the counties.

Future Directions

The California Board and Commission Project represents a one-time analysis of the appointment of women to statewide and local boards and commissions. Additional research would enable the appointing authorities to track their progress over time.

- **Methodology established for ongoing tracking of appointments**

Several products have resulted from this project that would assist with further research efforts. To begin with, a methodology has been established to sample cities and counties. In addition, codebooks have been developed to analyze various characteristics of the boards, including the different types of boards, a characteristic found to have significant impact on the appointment of women.

- **Adoption of a common information format would assist future research**

Future research efforts would be assisted by the adoption of a common format for the collection of information on statewide and local appointees. As it currently stands, every jurisdiction develops its own format or computer program to maintain its records. The adoption of a common format would systematize the information collected. It would also be valuable to conduct a thorough review of the statewide and local registries to ensure that they include the information mandated by law.

- **Consider research on applicants as well as appointees**

Appointing authorities, with minimal set-up time and cost, could develop reporting forms that would allow them to collect information on the pool of *applicants* as well as the appointees.³¹ Thus, information could be gathered to determine if the low percentages of appointment are due to low *application* rates and/or low *appointment* rates. Strategies could then be developed to increase outreach and/or to attend to the composition of boards when the appointment process is underway.

THE FUND FOR THE FEMINIST MAJORITY

1600 Wilson Blvd., #704, Arlington, VA 22209
(703) 522-2214

GENDER BALANCE LAWS

CAMPAIGN BRIEFING

I. What is a Gender Balance Law?

A state Gender Balance law requires the governor to appoint equal numbers of women and men to all appointive state boards, commissions, committees, and councils. As part of our ongoing Feminization of Power Campaign, the Feminist Majority is organizing for the adoption of Gender Balance laws across the nation.

II. Why a Gender Balance Law?

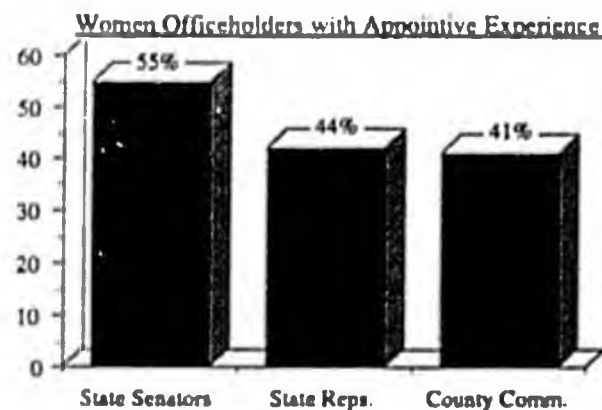
Women currently comprise only 5% of Congress and only 17% of state legislatures. At the current rate of gain, it will be over 50 years before women achieve parity in the state legislatures and almost 350 years before parity in Congress.

Feminization of Power

Since appointive office is frequently a route to elected office, Gender Balance laws that require 50% of state-appointed positions be filled by women would lead to a dramatic increase in the number of women running for and winning elected office. Appointive positions provide training for a wide variety of skills. The appointee gains experience, knowledge, exposure, and political and personal connections necessary to further their public leadership careers. These boards and commissions serve as stepping stones for women and men in governmental services and are especially important for women.

Women officeholders are more likely than their male counterparts to have held state appointed positions. According to a study by the Center

for the American Woman and Politics, 55% of women state senators, 42% of women state representatives, and 41% of women county commissioners have held appointed positions.



A Gender Balance law can also affect the number of women appointed as judges. In 16 states the governor appoints judges based on recommendations from a judicial nominating committee. Equal numbers of women on those commissions, experience shows, would increase the number of women judges.

Increasing the number of women on appointive boards is essential not only because it will lead to more women getting elected, but also because women holding elective or appointive office bring a different perspective to public policy issues -- a perspective that is largely missing today. Polls continually show a gender gap on attitudes on women's issues between women and men. A recent poll showed that 80% and 91% of women appointees support the Equal Rights Amendment and oppose a ban on abortions, respectively.

Montana

In 1988, Montana passed a resolution calling for all appointive boards, commissions, committees, and councils of the state to be gender-balanced to the greatest extent possible. Although a resolution does not have the same weight as a law, its passage focused attention on the significant under-representation of women in appointive office.

Delaware

When a Gender Balance resolution was introduced in Delaware in 1989, women comprised 31% of appointive positions on boards and commissions, higher than most states. Delaware's Commission for Women pushed for Gender Balance legislation to increase women's access to public leadership and decision-making roles. The resolution calls for a gender balance on boards and commissions "as often as possible" and that all new appointments be made with the goal of achieving gender balance. Like Montana's resolution, Delaware's does not have the force of a law but is a step in the right direction towards gaining parity at this policy-making level.

Other States

The Feminist Majority has identified state legislators concerned with the Gender Balance issue. Several states legislatures have already introduced Gender Balance bills and will continue their debates in the upcoming sessions. Those states include: Delaware, Kansas, Minnesota, New Jersey, Ohio, and Rhode Island. Other states are in the process of introducing bills. They include: California, Hawaii, New York, Pennsylvania, and Wisconsin.

IV. What You Can Do

A. Know the Myths vs. the Facts

Myth: Women have made many strides in achieving equality. Gender-balanced boards and commissions will occur naturally without laws.

FACT: True, women have made great strides in gaining equality. Unfortunately, these gains have been slow, especially at policy-making levels. Women are still under-represented at all levels of government and will continue to be so unless some real changes are made. Equal access to appointive positions on boards and commissions can be one of these important changes.

Myth: Won't a Gender Balance law mean replacing qualified men with unqualified women?

FACT: Absolutely not! Increasing the recruitment of women to boards and commissions will in turn increase the total number of qualified people in the available talent pool. To deny women opportunities is to deny the state and nation of some of its best resources.

Myth: Requiring gender-balanced appointments is undemocratic. Women should make it on their own merits. After all, that's how men get appointed.

FACT: Don't we wish! There are plenty of qualified women to fill the small number of appointed positions available -- it is just that their names rarely come up in the recruiting process. That is because recruiting for appointees for public boards and commissions is most often done through the "old boy's networks" which of course generate small numbers of women's names. Requiring that half of all positions be filled with women will guarantee that women are actively sought for these jobs.

Myth: Some boards are comprised of members of a particular profession that have very few women members. There are not enough qualified women to serve on these boards.

FACT: The "qualified" women line is a rouse. There are always enough qualified women in any profession for the handful of positions to be filled in a whole state. In addition these committees include a number of laypeople. These laypeople are appointed by the governor to guarantee the presence of diverse perspectives during the decision-making process.

Myth: A Gender Balance law will prevent women from being the majority on certain commissions and potentially reduce the number of women appointments.

FACT: On the contrary, a Gender Balance law will mean a significant net increase in the total number of women serving in policy-making positions. There are a tiny percentage of boards that are comprised of a majority of women but the benefits of Gender Balance laws far outweigh the potential losses. Even in states where a governor's appointments of women have been excellent, women are too often appointed to boards with small budgets and little influence, while men are

The Under-Representation of Women in Appointed Office: The California Study

Women across the nation are under-represented in appointed positions at all levels of government. A recent study of boards and commissions appointments in California -- one of the states with the largest number of appointed positions in the country -- illustrates women's under-representation. The 1988 study found that at the state level women held only 27.6% of appointed positions. Women fared only somewhat better at the county and city level with 34.3% and 35.5% respectively, serving on appointive boards.

The study found that women rarely reached parity on any boards and when they did it was limited to traditional "women's" areas such as health and social services or library boards. At all levels of government, the representation of women decreased dramatically on boards in areas of employment which are non-traditional for women. The California study also found that men are more likely to hold regulatory positions with decision-making power, while women were more likely to hold only advisory positions. In addition, women were less likely to be appointed to salaried positions, and more likely to serve on boards receiving expenses and/or per diem or no compensation at all.

Results of the California study are representative of the problem women face nationwide in achieving appointed office. The low percentage of women on state boards and commissions directly correlates with the small number of women in the state legislature. California is ranked 29th in the nation for the percentage of women state legislators with 15% of its legislative body comprised of women. Again, achieving parity in appointive positions will increase the number of women running for and holding office.

III States With Gender Balance Measures

Already, two states have Gender Balance laws in effect -- Iowa and North Dakota. Two more states, Montana and Delaware, have passed Gender Balance resolutions which do not have the effect of a law because they are not binding but voluntary. However, they must be considered preliminary steps to adopting

a Gender Balance law. At least 12 states have introduced or have plans to introduce Gender Balance measures.

Iowa

Over the years, Iowa's Commission on the Status of Women has demonstrated active dedication to getting more women appointed to boards and commissions. As early as 1970 the Commission developed a roster of women qualified for appointments.

Constant monitoring by the Commission resulted in women's representation on state boards and commissions reaching 14% in 1974 and increasing to 29% in 1976. In 1980, the Commission reported that women comprised only 30% of state boards and commissions members.

Frustrated with the slow pace of progress, a Gender Balance statute was introduced by Rep. Minnette Doderer and stated, "all boards, commissions, committees, and councils shall reflect, as much as possible, a gender balance."

The statute was extended in 1987 to include Judicial Nomination Commissions and was amended to require gender balance on all boards, eliminating the discretion in appointments which was allowed by the "as much as possible" exception in the 1986 statute.

In 1988, the final amendment to the law clarified the requirement for boards with an even number of members. If the board is composed of an even number of members, not more than one-half of the membership shall be of one gender.

North Dakota

The passage of a Gender Balance measure has also been one of the top priorities for North Dakota's Commission on the Status of Women. In 1989, the Commission was successful in securing passage of a Gender Balance law; however, the language of the law is not as strong as that found in the Iowa legislation. It states that all "appointments to boards, commissions, committees, and councils of the state ... should be gender balanced to the extent possible." By contrast the Iowa law requires gender parity.

appointed to those with more power and influence on state policy. We are so under-represented on most boards and commissions that to argue that a very few women-board majorities would be in jeopardy is to ignore creating significant opportunities for women.

B. Organize a Gender Balance Campaign

1. Do a study of women appointments to boards and commissions in your state. Seek information from the state's Commission on the Status of Women or a similar type of commission or go directly to the Governor's office.

2. Draft a bill using our model Gender Balance law as a guide.

3. Find legislators to co-sponsor the bill. Try to gain legislative leadership and bipartisan support as well as the support of all women legislators.

4. Have the Governor or gubernatorial candidates endorse the concept of a Gender Balance law.

5. Get organizations and community leaders to adopt the model resolution below adapted from the National Association of Commissions for Women's Gender Balance resolution of June, 1989.

6. Keep in touch with the Feminist Majority for further assistance.

C. Model Organizational Gender Balance Resolution

WHEREAS, The governmental appointments process has not adequately addressed the goal of equal representation of women in government; and

WHEREAS, A society in which half of its numbers are excluded from the process by which it rules itself, will be governed in a manner which lacks a balanced viewpoint; and

WHEREAS, The likelihood of passage of the Equal Rights Amendment will be enhanced by encouraging women to become candidates for state legislatures; and

WHEREAS, Currently women represent only 17% of

state elective legislative offices in the United States; and

WHEREAS, Women legislators are more likely than men legislators to have held appointive government positions; and

WHEREAS, 55% of elected women legislators have held one or more appointive governmental positions; and

WHEREAS, Historically the (name of organization) has been firmly in favor of increasing the number of women in elective and appointive office; and

WHEREAS, Women's organizations have played a major role in changing the laws that define women's status;

THEREFORE BE IT RESOLVED, That the (name of organization) encourages state legislatures to enact legislation which will require a gender balance on all state boards, commissions, and committees; and,

BE IT FURTHER RESOLVED, That the (name of organization) encourage leading organizations to join in a nationwide effort to attain a gender balance on state boards and commissions in order to increase substantially the number of women serving as policy makers in both appointive and elective office.

D. Resources

Fund for the Feminist Majority

1600 Wilson Blvd, Suite 704

Arlington, VA 22209

703/522-2214 or 213/651-0495 (Los Angeles office)

The Women's Network of the National Conference of State Legislatures

Sue Mullins - Executive Director

RR One, Box 49

Corwith, IA 50430

515/583-2156

Center for the American Woman and Politics

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