

ON THE BALLOT

Constitutional Amendments and Referenda on November 5, 2002, Ballot

Commonwealth of Virginia
General Assembly

Delegate Kenneth R. Plum
2073 Cobblestone Lane
Reston, VA 20191
Thirty-sixth District

Commerce and Labor
Agriculture, Chesapeake and
Natural Resources
Science and Technology

Dear Voter,

At the election on Tuesday, November 5, 2002, you will be asked to vote on proposed amendments to the Constitution of Virginia, several bond issues, and a sales tax referendum in addition to electing a U.S. Senator and Congressman. This newsletter is intended to provide you background information on the ballot questions and referenda.

Because of the important issues before the voters, the questions on the voting machine may seem complex. It is hoped that this background information will help you prepare to vote. As always, it is critically important that you vote.

Polls will be open from 6:00 a.m. to 7:00 p.m. on November 5. If you will be away on Election Day or are unable to go to the polls because of illness or disability, you may apply for an absentee ballot. For information on absentee voting, call 703-222-0776 or visit www.co.fairfax.va.us/eb.

Remember to take a government issued form of identification (driver's license, voter information card, social security card, etc.) or sign an Affirmation of Identity form at the polls to confirm your identity.

If you have questions or need additional information, please call me at 703-758-9733 or e-mail kenplum@aol.com.

See you at the polls on November 5!

Sincerely yours,



Kenneth R. Plum
Delegate, 36th District

PROPOSED CONSTITUTIONAL AMENDMENT #1

Article VI, Judiciary, Section 1, Judicial Power and Jurisdiction

BALLOT QUESTION

Question: Shall the Constitution of Virginia be amended to permit the Supreme Court to consider, as part of its original jurisdiction, claims of actual innocence presented by convicted felons in the cases and manner provided by the General Assembly?

EXPLANATION

This amendment concerns cases in which a person is convicted of a felony but is later able to prove his “actual innocence” because of new scientific or DNA evidence that is discovered after his conviction. A vote to approve this proposed amendment will make it clear that the Supreme Court may consider a claim of actual innocence without requiring the person to file the claim first in a lower court.

The amendment provides that the General Assembly will provide by law for the details of what claims may be filed and the procedures that must be followed to file these claims. The General Assembly has enacted a law to implement this proposed amendment. That law will also take effect November 15, 2002. [*Code of Virginia*, Title 19.2, Ch. 192. §§ 19.2-327.2 through 19.2-327.6. Issuance of Writ of Actual Innocence.]

I recommend approval of this amendment. Recent scientific discoveries including DNA make it possible to prove guilt or actual innocence much more accurately.

PROPOSED CONSTITUTIONAL AMENDMENT #2

Article X, Taxation and Finance, Section 6, Exempt Property

BALLOT QUESTION

Question: Shall the Constitution of Virginia be amended to allow localities by ordinance, rather than the General Assembly by law, to exempt property from taxation that is used for charitable and certain other purposes, subject to the restrictions and conditions provided by general law?

EXPLANATION

Generally, the Constitution provides that all property shall be taxed and then provides how various types of property may be exempted from taxes. This amendment changes how certain types of property may be exempted from taxes. Subsection (a)(6) of Article X, Section 6, now provides that the General Assembly may exempt property “used by its owner for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes.”

A vote to approve this proposed amendment will provide for these tax exemptions to be authorized by the local governing body rather than by the General Assembly. If approved, the proposed amendment will take effect January 1, 2003.

I recommend approval of this amendment. Currently, the General Assembly routinely approves requests by local governments to exempt properties.

PROPOSED BOND ISSUE, QUESTION #1, EDUCATIONAL FACILITIES

BALLOT QUESTION

Question: Shall Chapters 827 and 859, Acts of the General Assembly of 2002, authorizing the issuance of general obligation bonds of the Commonwealth of Virginia in the maximum amount of \$900,488,645 pursuant to Article X, Section 9(b) of the Constitution of Virginia for capital projects for educational facilities, take effect?

EXPLANATION

On April 18, 2002, the Governor signed into law Senate Bill 31/House Bill 99, the *Commonwealth of Virginia Educational Facilities Bond Act of 2002* (or “the Act”). Virginia law requires a majority of voters in a statewide referendum to vote in favor of the Act before it can become effective.

The purpose of the Act is to allow the Commonwealth to sell bonds to raise funds to pay for capital projects at state-supported colleges, universities, museums and other educational facilities. The capital projects contemplated in the Act have an estimated useful life of more than twenty-five years and include, but are not limited to, capital projects for the renovation of instructional facilities, construction of new academic space, construction of new research space, upgrades to heating and cooling systems, and improvements for handicapped accessibility.

All the colleges and universities would get additional facilities from the bond issue. George Mason University would get \$80 million for two classroom buildings, a research building and four renovation projects. Northern Virginia Community College would receive \$35 million for a new classroom building and renovation projects at all campuses.

I recommend that you vote yes to enable the much needed construction of these facilities.

REGIONAL REFERENDUM FOR SALES TAX FOR TRANSPORTATION

BALLOT QUESTION

Question: Shall an additional sales and use tax of one-half of one percent be imposed in Arlington County, Fairfax County, Loudoun County, Prince William County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park, with the revenues to be used solely for regional transportation projects and programs as specified in Chapter 853 of the Acts of Assembly of 2002?

EXPLANATION

A favorable vote on the question in **Northern Virginia** would fund \$5 billion over the next 20 years for mass transit and road improvements. All funds would stay in Northern Virginia and would be allocated by Northern Virginia elected officials.

I recommend that you vote yes on the question. The tax will not be imposed on food and drugs. Passage of the referendum will help reduce traffic gridlock. It is estimated that Northern Virginia commuters spend 84 hours a year stuck in traffic, and traffic jams cost the region \$2.3 billion in wasted time and fuel.

The referendum provides needed funds for mass transit including rail to Dulles. It allows us to make our own transportation decisions in the region without being dependent on Richmond.

PROPOSED BOND ISSUE, QUESTION #2 , PARKS AND RECREATIONAL FACILITIES

BALLOT QUESTION

Shall Chapters 854 and 884, Acts of the General Assembly of 2002, authorizing the issuance of general obligation bonds of the Commonwealth of Virginia in the maximum amount of \$119,040,000 pursuant to Article X, Section 9(b) of the Constitution of Virginia for capital projects for parks and recreational facilities, take effect?

EXPLANATION

On April 18, 2002, the Governor signed into law Senate Bill 672/House Bill 1144, the *Commonwealth of Virginia Parks and Natural Areas Bond Act of 2002* (or “the Act”). Virginia law requires a majority of voters in a statewide referendum to vote in favor of the Act before it can become effective.

The purpose of the Act is to allow the Commonwealth to sell bonds to raise funds to pay for capital projects at state-supported parks and recreational facilities. The capital projects contemplated in the Act have an estimated useful life of more than twenty-five years and include, but are not limited to, capital projects for the acquisition of land for natural area preserves and parks, campground construction, visitor center renovation, road improvements, trail improvements and shoreline erosion repair.

Virginia’s parks have been recognized nationally as the best managed in the nation. At the same time, Virginia’s funding for parks and conservation is among the lowest in the nation. I recommend approval of the bond issue to allow the state to purchase much-needed park lands while such lands are still available.

FAIRFAX COUNTY BOND REFERENDA

Fairfax County has two bond questions on the ballot: One for \$20 million for providing additional local parks and for improving existing parks; the other for \$60 million for a public safety communications center, an emergency operations center, and improvements to public safety facilities.

I recommend a vote of yes on both questions.

Authorized by

Delegate Kenneth R. Plum
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Reston, VA 20191

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ON THE BALLOT

**Voter Information on Constitutional Amendments
and Referenda on November 5, 2002, Ballot**

Delegate Kenneth R. Plum

Proposed State Constitutional Amendments and State Bond
Referenda, Including Proposed Local Sales Tax for Transportation

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