

## UNION MONEY FUNDS 'MORAL' MONDAYS

BY SUSAN MYRICK

There were very few surprises in the recent three-week federal court hearing to decide the fate of election reform legislation that was passed in 2013 and implemented in 2014. (See p.9) In fact, the only real surprise was a guest appearance by the Rev. Jeremiah Wright at the Moral Monday march that took place the evening of the first day of the trial. Yes, that was the same Jeremiah Wright who screamed that God should damn America in his famous "sermon" in his church in Chicago. Wright showed up at the latest sideshow from the faltering Moral Monday movement.

There was, however, another revelation at the outset of the hearing that wasn't so much a surprise as it was a confirmation of something Civitas and others have suspected but until now couldn't confirm – proof the Moral Monday organization in 2013-2014 was a union-funded project.

It was the North Carolina Republican Party that discovered U.S. Department of Labor reports showing

\$20,000 in 2014 in direct compensation from the Service Employees International Union (SEIU) to William Barber, president of the NC NAACP and Moral Monday mouthpiece.

2014 legislative session.

According to the NCGOP:

- In 2014, SEIU funneled \$1.5 million to a shell group in North Carolina called "Carolina Workers Organizing Committee."



The Rev. Jeremiah Wright (left) with William Barber (right).

The NCGOP also exposed millions of dollars being funneled from the SEIU and other labor unions to groups that worked to organize and populate Moral Monday rallies. The reports also suggested the money was used to pay protesters to push a radical agenda. Finally, the revelations showed that union money, coordinated with the left-wing Blueprint "eviscerate" NC organization, was the fuel that kept the protests going until they began to fizzle out during the

- That group paid \$1.12 million of the SEIU money to Moral Monday backer "Action NC," a group registered in Charlotte and a member of the notorious Blueprint NC organization.

- Deep in the Labor Department's report for Carolina Workers Organizing Committee is data showing Action NC used the money for "Payroll Services" to the tune of tens of thousands of dollars each month – totaling \$1.1 million.

As always with the liberal

Left in North Carolina, it's the connections that are so important. Action NC is the group that essentially replaced ACORN after its demise. Pat McCoy, Action NC's director, had been the

director of North Carolina's chapter of ACORN at the time it supposedly disbanded. He is currently also a member of the Blueprint NC board of directors. As for the ACORN-SEIU connection, in 2009 before the supposed downfall of ACORN, Matthew Vadum, writing for the Capital Research Center, said "ACORN was virtually indistinguishable from SEIU."

Even though North Carolina has the nation's lowest union membership

rate, at Moral Monday's peak during the 2013 legislative session, Civitas watched unions organize some of the protests, and they always had a presence at every protest. On Labor Day 2014, there was even a Moral Monday Talking Union Tour. It was at this event that Barber said: "If labor and civil rights get together the right way, that's the formula for transforming America. That's the formula for transforming the South and the nation."

More than one person has speculated that the Moral Monday activity in the 2015 legislative session was minimal because the money dried up. Now that we have evidence that the unions were funneling money through Action NC, we can surmise that the unions decided they were not getting a good return on their investment.

We can only imagine what the health care workers, custodians and security guards who pay dues to the SEIU think about millions of their hard-earned dollars being used for protests in North Carolina. ■

## Legislature Moves Budget Deadline Again

BY MATT CAULDER

The North Carolina General Assembly on Aug. 12 passed a continuing resolution (CR) that will give legislators until the end of the month to put a permanent budget in place for the fiscal year that began July 1.

As of press time for NC Capitol Connection, the two chambers were still hammering out differences over the budget.

Earlier the Senate moved to expedite the process by removing two contentious

issues from the budget legislation. The Senate approved the NC Competes Act, House Bill 117, which backs incentives for business.

The Senate also passed a Medicaid reform plan that would utilize both managed care and provider-led entities to push the risk off of the state and stabilize Medicaid spending.

Lawmakers in both chambers expressed their determination to reach an agreement on

Medicaid reforms after years of failing to agree on concrete solutions to the issue.

Both H.B. 117 and the Medicaid reform measure were under consideration in the House as of press time for NC Capitol Connection.

Senate Bill 560 served as an extension to the CR that was set to expire Aug. 14. The bill garnered a nearly unanimous vote in the House, with two of 115 voting legislators opposing the budget. But it faced more

opposition in the Senate.

In that chamber, eight Republicans and one Democrat opposed the CR.

Top Senate leaders Sens. Tom Apodaca (R-Buncombe) and Bob Rucho (R-Mecklenburg) voting against it, even as Senate President Pro Tem Phil Berger (R-Rockingham) voted for it. On August 18, state leaders agreed on a \$21.74 billion budget cap. ■

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# Can Conservative Hearts Bring Conservative Wins?

BY JIM TYNEN

So, why aren't we conservatives winning all the arguments? And how can we change that?

Those two questions are at the heart of a new book, "The Conservative Heart," by Arthur Brooks, president of American Enterprise Institute. His answers to them should be studied and debated by everyone who wants to sustain and expand freedom in our country and the world.

As Brooks notes, the facts are on our side. Conservatism works. The power of freedom in politics and economics has been shown in Europe, America, and in recent decades across the globe. "Billions of souls around the world have been able to pull themselves out of

values and ideas more predominant in our politics and culture? Brooks' answer: "Millions of Americans believe the American Dream is no longer within their reach and that conservatives don't care."

That isn't true, of course. The solution to this paradox, he writes, is that those of us on the Right must "stand for true hope, a hope that returns power and agency back into the hands of ordinary people." With that, we could set our country back on the path of freedom and prosperity, and, he emphasizes, happiness.

Yet how do we do that? According to "The Conservative Heart," key steps include:

- Focus on moral truths.
- Fight for people.
- Be happy warriors in the cause.
- Engage constructively,

Left.

- Get in the habit of being upbeat and people-oriented.

Brooks largely follows his

raises questions that should stir debate. That includes:

- **How much if anything should be conceded on "the safety net?"**

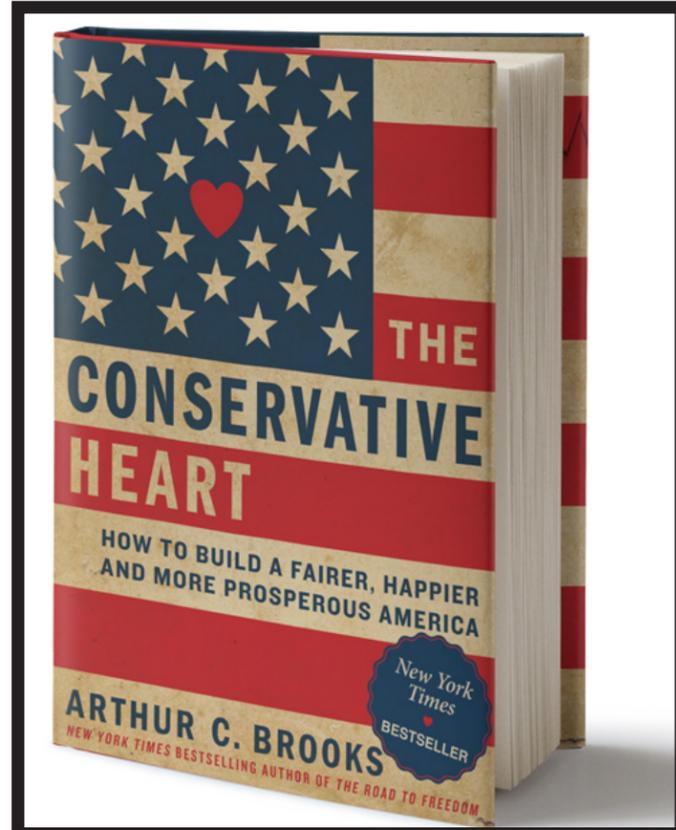
But where do we draw the line? We could fill this paper with examples of well-intentioned government programs that started small and ballooned over time. On the other hand, it would be hard, or impossible, to fill a single column with examples of government programs that shrank over time.

### Do we have time to follow his advice?

Brooks is advocating for conservatives to mount a social movement to reform the nation, much as the civil rights movement did. That takes decades, or generations, however. If a Democrat wins the White House in 2016, he or she will likely be able to block conservative reforms, while wielding executive power and stacking the Supreme Court. That might cement the liberal edifice before a conservative social movement could get up a head of steam.

### Can a social movement overcome the seductive lure of spending and handouts?

Liberals spend money on a whole smorgasbord of goodies for voters. Human nature being what it is, it seems that sometimes even the best conservative message can't beat that check from the government. So how do we respond? ■



"The Conservative Heart" by Arthur C. Brooks.

If you'd like to know more about the issues Arthur C. Brooks raises, Civitas is sponsoring a lunch and book signing featuring him from 11 a.m. to 2 p.m. Oct. 27 in Charlotte. Go to [www.nccivitas.org/civitas-events/](http://www.nccivitas.org/civitas-events/) for details.

own advice. That makes "The Conservative Heart" a good read. He tells stories about people, he makes powerful moral arguments, and he's optimistic and engaging. Conservatives can learn a lot from it, and probably many of us would benefit from following his advance.

At the same time, like any provocative idea, the book

Brooks quotes conservative heroes Ronald Reagan and Friedrich Hayek as accepting the need for government to provide help to those who truly cannot help themselves. Practical conservatives might also concede that a majority of voters aren't going to support the dismantling of the welfare state right away, or at least not in 2016.

poverty thanks to five incredible innovations: globalization, free trade, property rights, the rule of law, and entrepreneurship," he writes. "The ideals of free enterprise and global leadership, central to American conservatism, are responsible for the greatest reduction in human misery since mankind began its long climb from the swamp to the stars."

So why aren't conservative

including critics.

- Say it in 30 seconds.
- Steal good ideas, even if they've been misused by the

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# Renewable Mandates Boost NC Electric Bills

BY BRIAN BALFOUR

Passage of the Renewable Energy and Energy Efficiency Portfolio Standards (REPS) in North Carolina in 2007 contributed to the state's electricity rates rising more than twice as rapidly as national and regional averages. The General Assembly should act now to repeal the standards, or at least keep them from rising as they are scheduled to do.

An examination of the data shows that in the six years prior to 2007, North Carolina's electricity rates rose far slower than the national and regional averages. But after 2007, when the REPS were passed, that trend was

particularly harsh burden on North Carolina's poorest households. Rising electric bills disproportionately harm low-income households who spend a larger share of their income on utility bills.

Moreover, rising energy costs impose a growing burden on businesses, causing them to cut back on job creation and wages. And as North Carolina's electricity rates become more expensive relative to other states, our state becomes less attractive for business investment and job growth.

States such as Kansas, Ohio and West Virginia have recognized the negative toll



reversed. From 2008 to 2014, North Carolina's electricity rates climbed twice as fast as its neighbors' rates and nearly two-and-half times more swiftly than the U.S. average.

To be specific, from 2001 to 2007, North Carolina's average electricity rates grew at a pace of 19 percent, well below the national average of 25.2 percent and the Southern Atlantic region's 29.9 percent. From 2008 to 2014, the pace of national average and Southern Atlantic average electricity rate increases dropped dramatically. North Carolina, however, was saddled by the REPS enacted in 2007 and did not enjoy the same rate slowdown. As a result, the state's average electricity rates rose by 17.1 percent, well over twice as quickly as the national and Southern Atlantic averages grew during that time.

The state's renewable requirements create a

imposed by their renewable energy mandates and recently froze or eliminated their requirements.

Here in North Carolina, there is a similar move under way. House bills 332 and 760, already passed by the House, would freeze the state's renewable mandate at its current rate of 6 percent, preventing it from rising to 12.5 percent by 2021 and burdening households with even higher electric bills.

It's time for North Carolina lawmakers to join these states and ditch our state's renewable energy mandate and provide low-income households relief from rising utility bills. Doing so would also make North Carolina more competitive for job and investment growth. At minimum, it is time to freeze the mandate and more closely examine its real costs. ■

*This article also appeared in the Charlotte Business Journal.*

## Monthly Petition

### Education Savings Accounts Petition

to

### Support Giving Parents the Opportunity to Meet the Educational Needs of Their Children

I support the creation of Education Savings Accounts (ESAs) for North Carolina Families. ESAs provide parents with a portion of the per pupil state-based funding – the funding parents support with their own tax dollars. Parents can use ESA funds for approved educational expenses, such as tuition, books and tutoring. In other words, ESAs put parents in charge how the money is spent on their children's education. I urge North Carolina's educational leaders to support an ESA program here.

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# Charter Schools Legislation: A Mixed Bag

BY BOB LUEBKE

While charter schools continue to attract students and expand in record numbers, the current legislative session can best be described as a mixed bag for the 148 charter schools and 64,000 students who attend them. One bill nearing approval as of press time makes some seemingly small changes that might nevertheless be helpful to charter schools. Another measure that would bolster charter schools seems stalled in committee this year.

HB 334 was approved by the House earlier this session and then was approved with new language by the Senate at the end of July. The bill went to conference committee and then hopefully will be sent to Gov. Pat McCrory's desk. In general, the bill shifts control of charter schools away from the Department of Public Instruction (DPI). HB 334 transfers the Charter School Advisory Board (CSAB) – an 11-member body that makes recommendations to the State Board of Education (SBE) regarding all aspects of charter school operation – to the supervision of the board itself. Previously CSAB had been under the supervision of the DPI.

For some, the move might seem insignificant. Still, it's a change that charter advocates hope will help to remedy what

many believe to be a tense and uneasy relationship with the traditional public schools.

That tension is rooted in conflicting views about charters. Many traditional



public school advocates view charters as enemies since they stake a claim on public dollars and are not subject to the same rules and regulations. These same advocates view success as a zero-sum game. Hence in their view the only way for public schools to win is for charters to lose.

Likewise, more often than not, charter school advocates are skeptical of the real intent of their public school "friends." Once charter schools were folded into the existing public school structure and required

to submit applications to the SBE, the animosity was institutionalized. Charter schools saw the playing field as not level. Hence there is the need for action and the

proposal to place the Office of Charter Schools under the supervision of the state board and away from DPI.

Should the bill become law, CSAB's transfer would be more than symbolic. It would significantly lessen DPI's influence on charter school issues. That's a change many charter school advocates have been seeking for years.

It might also mean that charter school proponents may be able to get more pro-charter advocates appointed to CSAB. The appointment of neutral or

skeptical members to CSAB has hurt the charter school movement and slowed growth.

The bill also changes the structure of CSAB, which has the responsibility of reviewing charter school applications and making recommendations to the SBE. Under the legislation, the governor no longer appoints the chair of the advisory board. In addition, the CSAB member appointed by the SBE can no longer be a member of that body and must be an advocate of charter schools. The last provision is particularly needed since history has shown that appointments to the board don't necessarily mean a person is truly supportive of charter schools. The legislation is rightly concerned with correcting that problem.

HB 334 has other relevant provisions for charter school advocates, including: allowing a minority of school board members to be non-residents of North Carolina; requiring local charter boards to adopt anti-nepotism policies; raising the minimum number of students that charters must serve from 65 to 80; and requiring charter schools to be in financial compliance before allowing them to expand.

HB 334 allows charter schools the chance to navigate many of the problems contained in the current statute. Proponents say

it creates a more level playing field while opponents think the bill will reduce oversight at a time when charters are expanding at a rapid rate.

The bottom line is the measure passed the House earlier this year and the Senate in late July. The bill now goes to the governor for his signature.

Last, the other bill that deserves our attention is SB 456. The bill, introduced by Sen. Jerry Tillman (R-Randolph), was largely designed to correct an imbalance in how charter schools are funded at the local level.

An analysis of data from the North Carolina Treasurer's Office and DPI found charter schools receive about 27 percent less than the statewide average of local current expense funding received by district students. Annually that amounts to about \$33 million in lost revenue for charter schools. To remedy the problem, SB 456 restores that state's original 1996 funding law so public charter schools receive the same funding levels as traditional public schools.

Other provisions in the bill relate to conflict of interest, how charter schools can expand, and anti-nepotism policies.

SB 456 passed the Senate but is still in committee in the House. It's unlikely to pass this session but will likely be reintroduced. ■

## High Court Affirms Opportunity Scholarships

BY MATT CAULDER

In July, the North Carolina Supreme Court ruled the state Opportunity Scholarship Program constitutional.

The program gives support to low-income families to allow them to attend private schools.

The court ruled 4-3, along party lines, to overturn a lower court decision. Superior Court Judge Robert Hobgood ruled the program unconstitutional in 2014. Hobgood, who is seen as Left-leaning, ruled that the program violated provisions of the state constitution requiring all students receive a sound basic education.

"Our review is limited to a determination of whether plaintiffs have demonstrated that the program legislation plainly and clearly violates

our constitution," Chief Justice Mark Martin wrote for the high court majority. "Plaintiffs have made no such showing in this case. Accordingly, the trial court erred in declaring the Opportunity Scholarship Program unconstitutional."

Proponents of the program argue that it gives low-income families a chance to get their children into better schools if they feel their public school is not serving them adequately.

The state portioned out \$10 million for the program last year, and the proposed Senate budget for the 2015-16 fiscal year would include a \$17 million appropriation, which would support more than 4,000 scholarships.

The state Senate and House

have each proposed 2015-2016 budgets that allocate more than \$8 billion for the public schools.

Last year, the Opportunity Scholarship Program offered \$4,200 scholarships to 2,400 students. In all, 5,500 families applied for the scholarships, which were given out through a lottery.

### Lawmakers and policy groups laud decision

"The Supreme Court reaffirmed that education in North Carolina is about our children and their future," Senate President Pro Tem Phil Berger (R-Rockingham) said in a statement following the decision. "This ruling makes clear that parents — not education bureaucrats

or politicians — ought to be able to choose the educational pathway best suited to their children's needs, and it empowers thousands of low-income families across the state to make that important choice."

Darrell Allison, who heads up the policy group "Parents for Educational Freedom in North Carolina", said families across the state were celebrating the court's decision to override the Superior Court decision.

"We join the thousands of families across the state who are celebrating today because the court has given them the legal right to exercise educational choice through the Opportunity Scholarship Program," he said. "We are thrilled for the many low-income students currently

on the program and the many more who need this option in the future."

"Two hundred and twenty-four schools worked with parents to allow students to attend the school of their choice while awaiting today's court decision," Rep. Paul "Skip" Stam (R-Wake) said in a statement. "More families will now have realistic access to educational options for their children."

Dissent says scholarships aren't for "public purpose"

Justice Robin Hudson, who wrote the dissenting opinion, said the scholarship program does not meet a state requirement that taxpayer funding go for public purposes. ■

# Wake Forest's School Choice Experience Suggests Benefits Are More than Academic For Towns

BY BOB LUEBKE

Many of the controversies roiling public education are traceable to a system that assigns students to schools based on where they live. One North Carolina community that is working hard to remedy this problem through expanding educational opportunity is Wake Forest.

School choice in Wake Forest is a story worth telling. How much choice do Wake Forest residents enjoy? In 2014-15, the school choice population – the number of students enrolled in charter, private and home schools – in Wake Forest was 23 percent of the total number of students, one of the highest such populations in North Carolina. That compares with a Wake County school choice population of 18 percent and a statewide school choice population of 15 percent.

Today, Wake Forest is home to eight public schools, two charter schools – plus a third on the way – and five private schools.

The number of schools, however, doesn't tell the whole story. It has also been a

story of expansion. Solid test scores, high standards and a no-nonsense curriculum have boosted school choice in Wake Forest.

One such option, Franklin Academy, was started in 1998 and has grown to become the largest charter school in North Carolina. With a waiting list of 1,800, Franklin Academy may be one of the most sought-after schools in the country.

Thales Academy Wake Forest, a pre-K to fifth-grade private school, opened in 2007. With annual tuition at about \$5,000, the school is priced well below other private schools in the area. The school has proven so successful that there are now Thales Academies in Rolesville (junior high and high school), Raleigh (K-5), and Apex (K-5, junior high and high school), with more schools in development.

It's hard to ignore that the expansion of school choice in Wake Forest has corresponded with a period of tremendous population and economic growth.

Fifteen years ago, Wake Forest was a sleepy town

of 12,000 people. Today, it has a population of 36,000 and a median family income of \$75,050 (compared with a statewide average of \$46,334). With over 3,000 firms and retail sales of \$455 million, Wake Forest boasts a reputation as one of the most livable and business-friendly towns in North Carolina.

So did school choice help to spur this growth? That's a big and complicated question. However, that doesn't mean we can't take steps to begin answering it.

The Civitas Institute recently commissioned help to do just that. Professor Nathan Gray of Young Harris College in Georgia found a positive correlation between school choice and household income. Gray also found that, since 2000, income and housing values in Wake Forest have grown at rates that exceeded those of four comparable North Carolina municipalities. And of all the comparable municipalities, Wake Forest had the highest percentage of students attending choice schools.

Of course, correlation doesn't prove causation. Still, the data is compelling.

Professor Bart Danielsen of North Carolina State University has a powerful visual presentation of how choice schools in Wake Forest have served as community anchors, helping to attract families to the region. Danielsen has also written on how school choice in other areas has helped increase property values, eliminate blight, revitalize neighborhoods and reduce crime.

A recent Civitas Poll asked voters what type of school they would select for their child out of the various options available. Thirty-four percent of respondents chose traditional public schools; 31 percent chose private schools; 19 percent chose public charter schools; and 8 percent chose home schools. Eight percent chose "other" or "didn't know."

Those numbers reveal a deep problem. Almost 60 percent of voters would prefer to send their children to a school other than the ones to which children are assigned. This is

not bashing public schools. They provide a good education for many students. However, what about the nearly 60 percent of respondents who believe they aren't getting a good education, feel trapped in a failing school, or just want a different option? Do their opinions not matter?

It's not just about one community, either. The News & Observer recently reported that Wake County Public Schools added 1,884 new students during the 2014-15 school year. The boost was the smallest increase since 1990 and was far below district and state projections. By contrast, enrollment in Wake County public charters, private and home schools grew by 3,357 students.

If we truly believe that all children deserve access to the best educational opportunities, isn't it time that we follow Wake Forest's lead and expand educational opportunity and let families make their own choices – especially when we can see that choice will benefit both students and their communities? ■

## SCHOOL CHOICE: The Engine of a Growing Economy?

### EVENT RESOURCES

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# Wide Support Seen for Ed Savings Accounts

BY BOB LUEBKE

One of the most popular options for expanding educational opportunity is the Education Savings Account (ESA). Currently five states – Arizona, Florida, Mississippi, Nevada and Tennessee – have passed ESA legislation, and at least 10 other states have bills in the works.

A recent Civitas Poll shows that the idea of ESAs is also popular in North Carolina – with almost every group and in almost every region – especially when the accounts are available to all families.

What are ESAs? They provide parents with a percentage of per pupil state support, usually ranging from 85 to 95 percent.

*“These numbers suggest the broad appeal of ESAs and that supporters defy political or ideological labeling.”*

The funds are transferred to a parent-controlled account. Parents can use the money to pay for approved educational expenses, such as tuition, books and tutoring. Administrative costs are covered by designating a percentage of the remaining funds for such expenses. Such costs often range from 3 to 8 percent. Since the cost of educating children in many private schools is often less than their public counterparts, ESAs can produce real savings for states and local districts.

What do North Carolinians think about ESAs? The June Civitas Poll asked 600 registered voters two questions about ESAs. The poll surveyed 600 registered North Carolina voters, 30 percent of whom were reached on cell phones. The survey was taken June 23-25 and had a margin of error of plus/minus 4 percent.

Respondents’ answers are instructive, as is information gleaned from the crosstabs. Questions include:

Recently Nevada became the fifth state to approve Education Savings Accounts for students, commonly called ESAs. ESAs are government-authorized savings accounts that place government funds in an account for families and allow parents to use the funds

for approved expenses such as tuition, books and tutoring. In general, do you favor or oppose

equally strong with 64 percent of liberals and moderates and 54 percent of conservatives

Savings Account? Respondents overwhelmingly (57 percent) chose “all students”

were supported by 54 percent of GOP registrants, 57 percent of Democrats and 62 percent of unaffiliated voters.

If we look at ideology, the numbers are similarly strong. Fifty-eight percent of self-identified liberals support universal ESAs, along with 64 percent of moderates and 53 percent of conservatives. Regarding race, the data are even more striking, with universal ESAs supported by 63 percent of blacks, 55 percent of whites and 65 percent of “other.”

So what do the numbers mean? These numbers suggest the broad appeal of ESAs and that supporters defy political or ideological labeling. The poll indicates a strong level of support statewide for the concept of an ESA. That support also crosses geographical, ideological, political and racial lines. The favorable results also seem to echo the results of a 2012 Friedman-Civitas poll. That poll found similarly strong support for ESAs in general – in the 56/28 percent favor/oppose range. The same poll also found that 65 percent of respondents thought ESAs should be available to all students.

The 2015 legislative session saw the introduction of North Carolina’s first ESA bill by Rep. Bert Jones (R-Rockingham). The bill was immediately referred to the Education Committee and never received a full vote. Still, the growing popularity of school choice makes it likely that new ESA legislation will be reintroduced. When that happens, let’s hope lawmakers’ decisions reflect the broad support ESAs enjoy among North Carolinians. ■

the idea of Education Savings Accounts?

Results indicate that respondents favored ESAs by

expressing support for ESAs. With regard to race, 69 percent of blacks support ESAs, along with 54 percent of whites and 64 percent of those in the “other” category, which is largely a Hispanic population.

A second poll question delves deeper into support for ESAs and asks respondents who should be eligible for an ESA. More specifically, we asked:

Five states have approved ESA legislation. These states vary in who is eligible for the

when asked who should be eligible for an ESA. We’ll call this option a “universal ESA.” The next most popular selections were “special-needs or at-risk students” (15 percent); “students below the poverty level” (11 percent); “students attending failing schools” (3 percent); and “don’t know” (13 percent). Again support for a universal ESA was strong across all regions, ranging from 67 percent in the western part of the state to 48 percent, with all

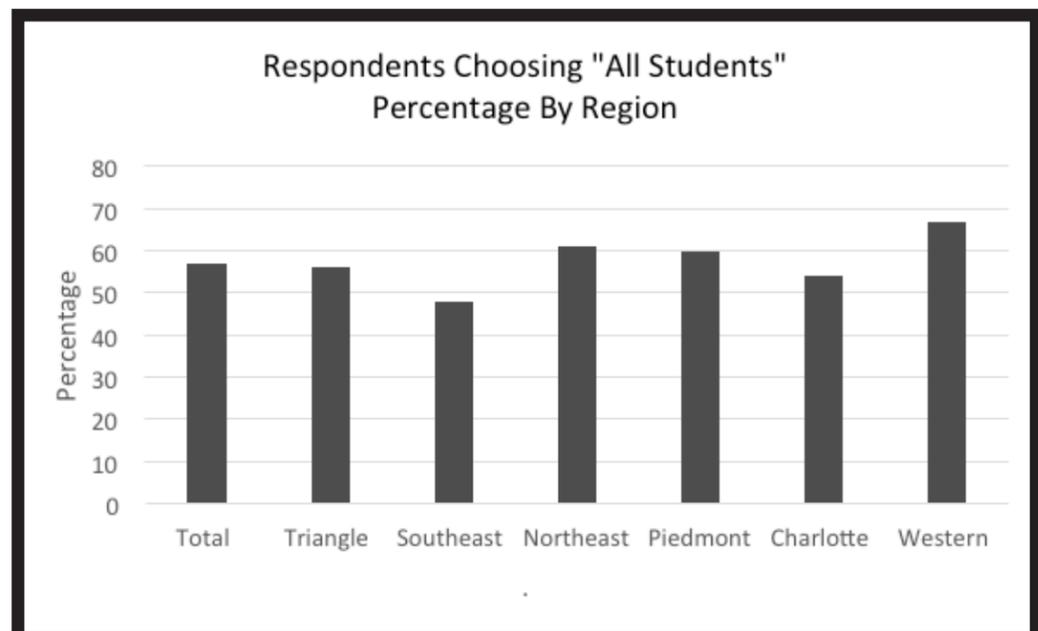
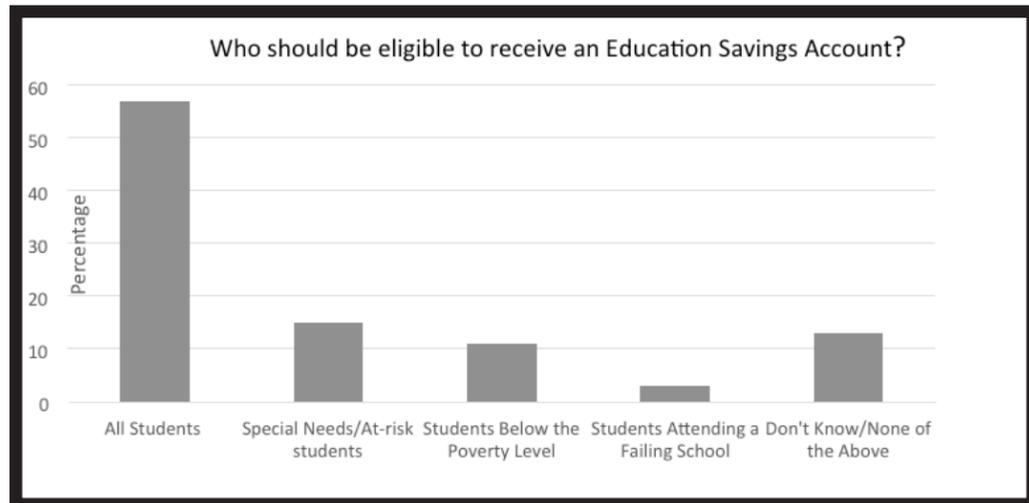
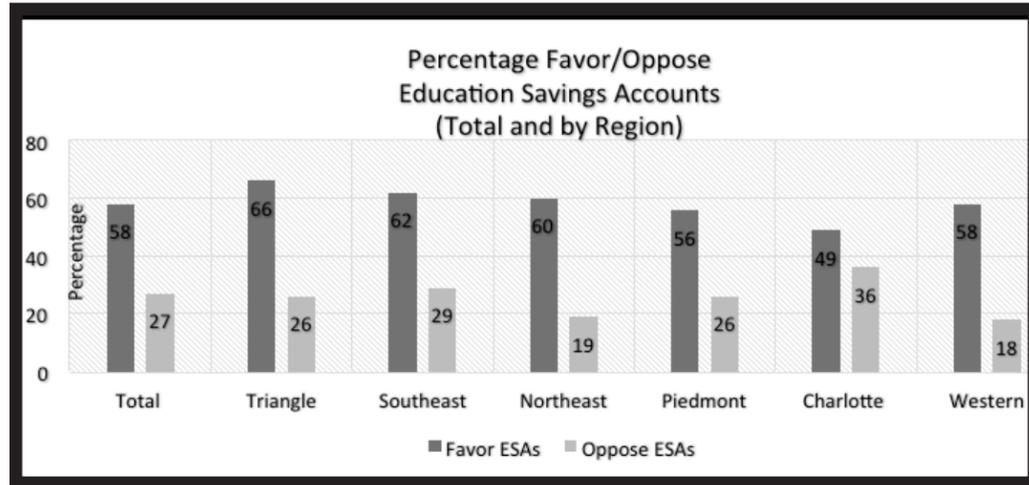
a better than 2-to-1 ratio (58 percent to 27 percent), with

about 15 percent undecided. Support for ESAs is strongest in the eastern part of the state, with support in all parts of that region at 60 percent or above: 66 percent in the Triangle, 62 percent in the southeast, and 60 percent in the northeast. Generally, support for the idea of ESAs in the western part of North Carolina is also strong, with support dipping below 50 percent only in one area: 56 percent in the Piedmont, 49 percent in Charlotte and 58 percent in western NC.

With regard to party registration, 63 percent of registered Democrats support ESAs compared with 56 percent of GOP registrants and 53 percent of unaffiliated voters. When broken down by ideology, the numbers are

ESA, ranging from special-needs populations to nearly all students. If approved by the North Carolina Legislature, in your opinion, who should be eligible to receive an Education

percentages – save the western NC finding – above 50 percent. Just what type of voter supports universal ESAs? Support crosses party lines. If we divide support by party registration, universal ESAs



# Turbine Plan Stirs Chowan County

BY MATT CAULDER

Elliot Engstrom, an attorney for the Center for Law and Freedom (CLF), which is funded by the Civitas Institute, sent a letter to Chowan County officials in mid-August clarifying points of law in the ongoing wind energy controversy.

He has taken up the cause of local residents working for stricter protections in the face of a possible explosion of wind energy in northeast North Carolina.

Earlier this month, the Chowan County Board of Commissioners directed county staff to convey the recommendations of the county Planning Board for changes to the energy ordinance into a formal amendment for consideration — ahead of a possible public hearing on the proposed changes in the coming months.

In his letter, Engstrom took issue with a statement from the commission, saying that it could adjust county zoning ordinances concerning wind energy if the existing ordinance, submitted by Apex Clean Energy, turns out not to be in the best interest of the residents of Chowan County.

“This is an incorrect

statement of law,” he wrote. “Once Apex [Clean] Energy submits its conditional use permit and begins construction, it will gain

Chowan County wind ordinance is now,” he wrote.

Engstrom also took issue with a claim that his organization was coming in to



certain rights under North Carolina law.”

One of those rights is to have its project be carried out under the original ordinance and not under any changes made after the project was approved.

“The time to amend the

stir up trouble, when in fact he was brought to help local residents amend the county wind ordinance.

A citizens group is pushing for the commissioners to take up the planning board’s recommendations — which include protections for

wildlife, health and property owners in line with similar ordinances passed by localities across the country.

The first step after county staff form the amendment from the recommendations will be for the Planning Board to sign off on the text of the amendment, followed by a public hearing on the proposed changes.

## Residents say current ordinance leaves citizens unprotected

The current ordinance limits the height of wind turbines to 600 feet, includes a 55-decibel (dBA) acoustic limit at any occupied nonparticipating landowner’s property, and requires a buffer zone around the wind turbines to the nearest occupied building on the closest nonparticipating property to be equal to two and a half times the height of the wind turbine.

The ordinance also requires builders of wind turbines to remove them after 12 months of no power generation and to maintain a bond for the estimated removal cost, minus the value of the materials if sold for scrap.

Proponents of the proposed amendments say existing law

does not provide sufficient protections for all issues involved with wind turbines.

## Proposed amendments built off of existing ordinances elsewhere

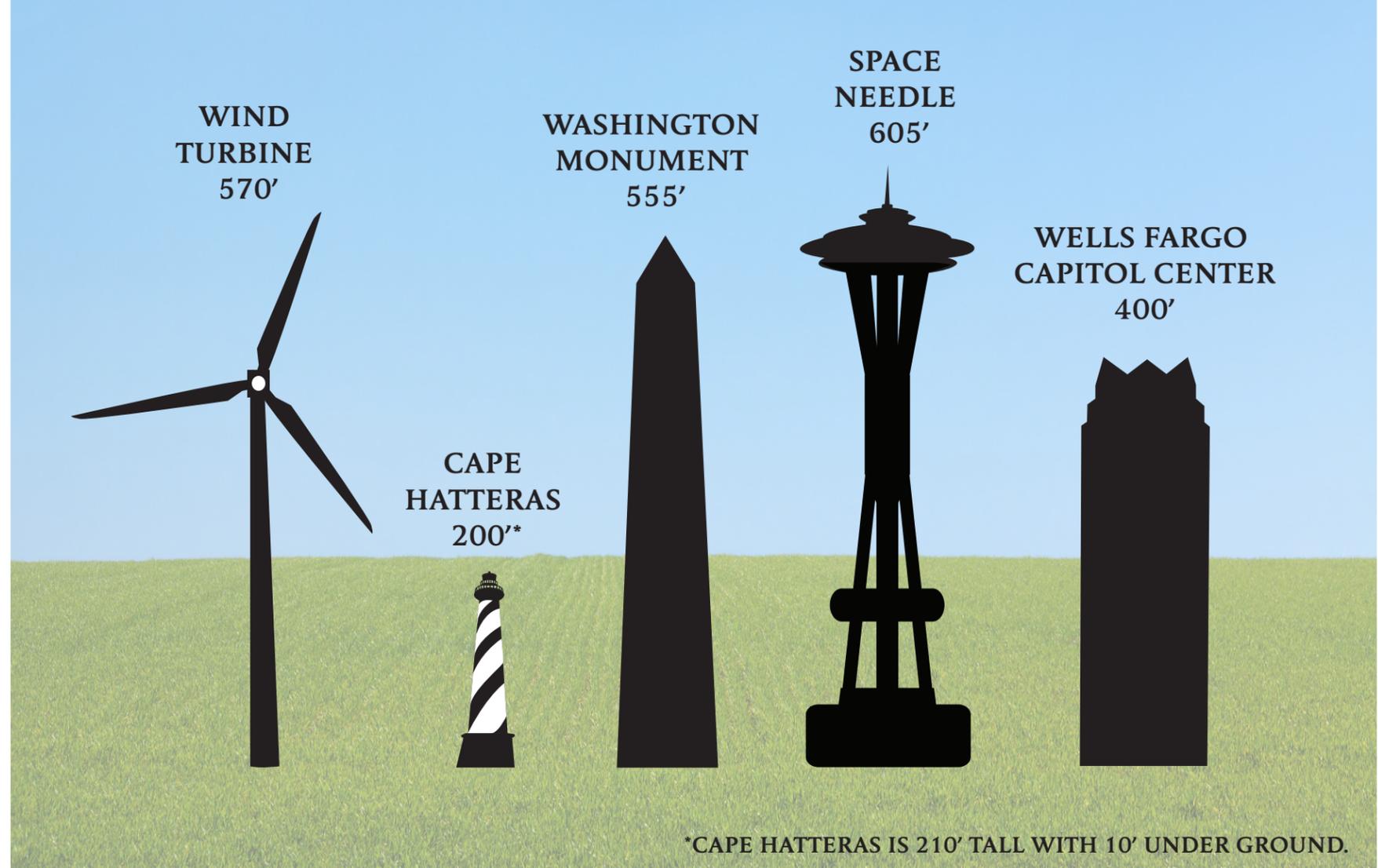
The proposed amendments, which were gathered from other local ordinances across the country, include an extension of the buffer zone to one mile, accommodations to pay landowners for any independently verified property value lost, a new upper acoustic level of 35 (dBA) as well as the formation of an escrow account to pay county expenses related to the wind turbines.

To compile the proposed amendments, ordinances in Idaho, Maine, New York, Wisconsin, and elsewhere in North Carolina were considered.

Some localities have placed 5-dBA-over pre-construction noise levels at property lines and 20-dBA-over pre-construction levels in occupied dwellings.

Five of the eight localities examined utilized a 35-dBA level. ■

## PERSPECTIVE ON WIND TURBINES



# Spending Is Real Source of Budget Woes

BY BRIAN BALFOUR

As the nation's subpar economic recovery continues, tax revenues to state coffers are not rising as rapidly as in past periods of robust growth. Some Left-leaning groups in North Carolina have attempted to seize upon this as an opportunity to criticize the state's 2013 tax cuts as a culprit that is somehow starving our state government of revenues needed for vital, core government services.

However, the real culprit underlying this complaint is not recent tax cuts but rather excessive spending in past decades.

One example of the flawed liberal view of state revenues and spending is the July 31 article in the Charlotte Business Journal by Tazra Mitchell of the NC Budget & Tax Center. To be clear, no amount of money in the hands of state government will ever be sufficient to satisfy groups like the Budget & Tax Center. The article, however, makes some assertions and cherry-picks data to present a very misleading narrative to the reader.

The theme that state government is somehow starved of revenue because the pace of revenue growth has fallen off recently due to the recession and sluggish recovery fails to address the big picture, namely: What did North Carolina's budget growth look like before the economic crash?

A review of the 30-year period from fiscal years 1979 to 2009, for instance, shows that North

Carolina's state budget – even after adjusting for inflation – more than tripled in the 30 years preceding the recent recession. Moreover, inflation-

ramp-up in state government spending was merely keeping up with the core services of government? Of course, during these years the budget was

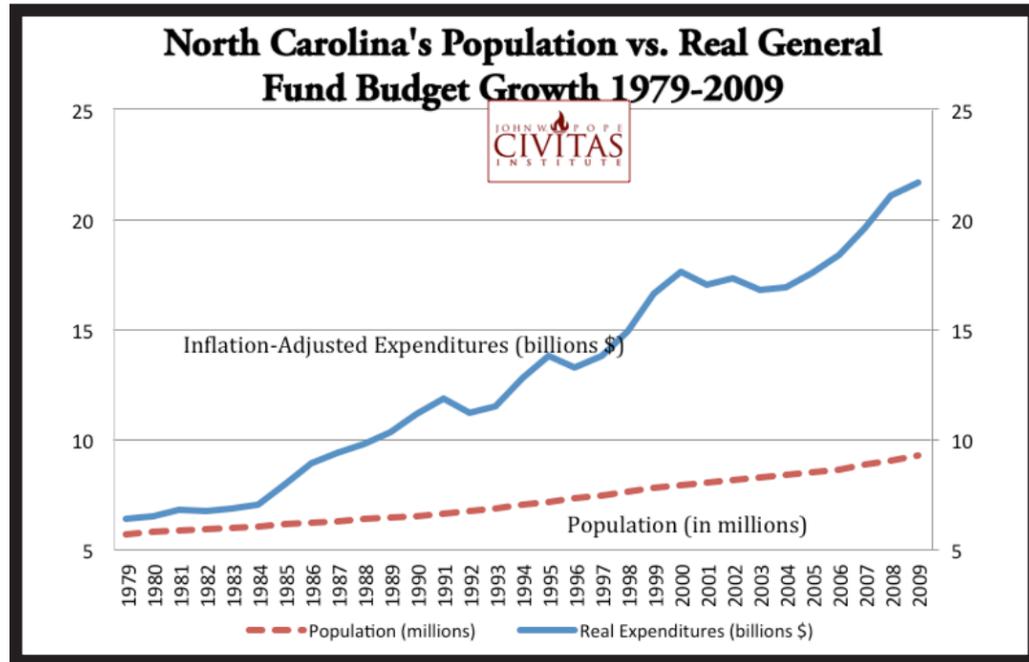
the budget is devoted to non-essential programs that were layered on over decades of skyrocketing spending sprees. After all, was life in the 1980s

North Carolina taxpayer grew exponentially faster. Per capita state spending grew by 265 percent in that time span – a pace 100 percentage points higher than the overall cost of living. Surely this can't be explained away by rising teacher salaries or Medicaid reimbursements.

Finally, the main usefulness of spending restraints like TABOR is smoothing out the state budget cycle. By avoiding dramatic spending increases during flush economic times, the state would be far better poised to weather economic downturns. For instance, if North Carolina had implemented a TABOR measure just five years prior to the 2008-09 financial crash, spending growth would have been smoothed out during the boom years and the state budget would have been roughly \$3 billion smaller when the recession hit.

There would have been no budget crisis at all, because even the diminished amount of recession-level state revenue would have been sufficient to cover state spending commitments.

Don't be misled by claims that the state government is somehow starved for revenue. The real problem is that long-term spending binges by irresponsible politicians in Raleigh have packed on layers of non-essential, frivolous and wasteful spending commitments. ■



adjusted state spending grew at more than three times the pace of population growth during that time.

Moreover, per person, inflation-adjusted state expenditures averaged \$1,300 in the 1980s, grew to \$1,824 in the 1990s, and ballooned to \$2,147 in the first decade of the 2000s.

In other words, state government was spending more than 50 percent more per person in the 2000s compared with the 1980s, even after adjusting for inflation. This is the trend line that liberal progressives think needs to be maintained as the baseline.

How can anyone legitimately claim that such a massive

packed with unnecessary, often frivolous expansions of the size and scope of government. And this doesn't even take into account the even more rapid rise of federal funds flooding the state during that time.

Progressives warn against any sort of legal restraint on state spending, such as a Taxpayer Bill of Rights (TABOR), that would limit annual spending growth to growth in inflation and population, claiming it would harm "critical public services."

Please.

As is clear by the long-term trend line of North Carolina's budget, critical public services are a small portion of the state budget. A significant share of

so dreadful in North Carolina?

Progressives also criticize a TABOR on the assumption that such a formula fails to take into account that the costs of certain government services such as education and health care rise faster than general inflation. Setting aside the uncomfortable fact that the costs of services such as these rise faster than general inflation because government provides them, this argument still lacks merit.

For instance, the overall price level – as measured by the Consumer Price Index (CPI) – rose by 165 percent in the 30 years from 1981-2011. By comparison, the cost of state government to the average

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# Ruling May Bring Back Election Chaos

BY SUSAN MYRICK

The hearing that will determine the fate of North Carolina's election reform law wrapped up Aug. 7. Groups that included the NC NAACP and the League of Women Voters of NC, joined by Eric Holder's and Loretta Lynch's U.S. Justice Department, are suing the state over election reform legislation (the Voter Information Verification Act, or VIVA) passed by the Republican-led legislature and signed into law in 2013.

Testimony focused on a few key provisions of the law: the shortened early voting period, the elimination of same-day registration (SDR), and the elimination of out-of-precinct voting (on Election Day).

U.S. District Judge Thomas D. Schroeder of North Carolina's Middle District listened to three weeks of testimony in the federal courthouse in Winston-Salem. It will undoubtedly take weeks for the judge to reach his decision, and there is little doubt his decision will be appealed.

The new law was in effect (with the exception of the voter ID portion, which is scheduled to be implemented in 2016) for the 2014 primary and general elections. In both elections, voter turnout increased overall compared with the 2010 elections, but especially in the African-American demographic. If the judge rules in favor of the new election reform law, we can be confident subsequent elections also will be successful, with the added security that would reassure voters of the integrity of the election process.

If Schroeder chooses to block any of the key provisions of North Carolina's new election reform law, we will experience a fundamental change compared with 2014 and any sense of security will be removed from the state's election process once again. Consider the following scenarios:

## 1. Increase the number of days early voting will be open.

VIVA shortened the window of early, in-person voting from 17 days to 10. If this change is reversed, local election boards will have

less time and will need to pay more workers to prepare for Election Day. In every election, voter registration increases proportionally with the size and importance of the election, often pushing the

*"VIVA attempted to level the playing field and to remove advantages enjoyed by any political party."*

local boards to their limits to make sure that all new voter registrations and changes to existing registrations are processed as soon as possible, ideally before early voting begins.

Ten days of early voting begins 13 days out from

the number of days for in-person early voting, VIVA also required counties to be open the same number of hours as in 2010. To accomplish that requirement, some counties opened additional sites – a

change that was popular among voters in those counties.

## 2. Restore same-day registration.

SDR is the process in which a voter is allowed to register and vote at the same time during early voting. The

out to be a high-profile case, it leads us to wonder: How many other cases of fraudulent voting using SDR have there been? Especially since there are no security measures to detect this type of fraud.

## 3. Reinstate out-of-precinct voting.

Out-of-precinct voting was first implemented in 2005 and allows voters to go to another precinct other than the one they are assigned to on Election Day. The problem with this practice is voters will more than likely receive the wrong ballot, because not all precincts carry the same ballot styles. After the polls close, the board of elections must look at every ballot cast out of precinct and decide which of the votes will count on each ballot.

If Judge Schroeder allows

claim VIVA discourages black voters.

The May 2014 Primary Election was the first election where the challenged provisions were implemented. In that election, not only did overall turnout increase, but African-Americans voted in significantly higher numbers than they did in the comparable primary of 2010. In fact, African-American turnout increased by nearly 30 percent in 2014 compared with 2010. Overall turnout increased by 5 percent, with 147,700 more residents voting in 2014 than in 2010.

While we don't know how the judge will rule, we can be sure that, if he rules in favor of the plaintiffs, North Carolina election process will revert to the weak and confusing system that it was before VIVA.

The old laws created a sense of chaos in North Carolina's election system that ultimately left many voters with the feeling that something wasn't quite right. Were all the votes counted? Were some votes counted that shouldn't be counted? Was everyone who voted the person her or she claimed to be? There was no way to know for sure. VIVA attempted to level the playing field and to remove advantages enjoyed by any political party.

It is interesting to note that Judge Schroeder presided over the preliminary injunction hearing in July 2014 where the plaintiffs sought to halt these same provisions before the General Election. That hearing lasted a week, and barely a month later Schroeder denied the preliminary injunction and found that "black voters will not have unequal access to the polls" due to the new provisions. He also wrote in his 125-page decision that the plaintiffs failed to demonstrate that this law was "implemented with the intent to deny or abridge the right to vote of African-American North Carolinians or the Constitution."

Schroeder's preliminary injunction decision gives us hope that he will find for all the people of North Carolina and for voter integrity in general. ■



Election Day, giving the local boards 12 days to process voter registrations from the voter registration deadline and the first day of early voting. Given that, in some counties, thousands of voter registrations are delivered in the last days before the registration deadline, if the judge allows 17 days of early voting, that will leave only five full days to get the job done before early voting begins. Naturally, this type of pressure will lead to errors that will need to be dealt with during the voting process.

If the judge requires North Carolina to offer 17 days of early voting, we will almost certainly observe a decrease in early voting locations compared with 2014. Although VIVA decreased

problem SDR poses is that these voters are not "verified" by mail as all other voters are required to be – because there is not enough time to go through the process.

SDR combined with early, in-person voting is a dangerous mix. These two provisions working together make it extremely easy to commit voter fraud. Take the November 2013 town of Pembroke elections. In December 2013, the State Board of Elections (SBOE) heard evidence that candidates in a town of Pembroke election helped people who were not qualified to vote, including out-of-state residents, to register using SDR and then cast a ballot during early voting during the November election. While this turned

out-of-precinct voting to take place again, we can be sure that some of the same groups suing the state will continue their get-out-the-vote programs as they had in the past. These programs allow drivers to take voters to the nearest or most convenient or most strategic precinct. These are the voters who are truly disenfranchised and they are never informed that all of their votes may not count.

The judge's decision will hopefully bring clarity to not only the election process but also to the true intentions of the liberal/progressive groups that continue to say they are fighting for voting rights, but whose actions say something altogether different. They charge voter suppression, but cold, hard facts contradict the

# Gov. McCrory Opposes Sanctuary Cities

BY MATT CAULDER

Gov. Pat McCrory spoke out last month to express his disapproval of “sanctuary cities” in the state.

Speaking at the annual training conference for the North Carolina Sheriffs’ Association, McCrory said, “I don’t believe in the concept of sanctuary cities because every law enforcement officer is sworn to uphold not only the constitutional law of North Carolina but also the laws of the United States, and that includes immigration laws.”

## Vows action on crime

McCrory went on to say, “I don’t believe anyone should give sanctuary in any part of our state and nation where we are not enforcing the laws, especially toward people who continue to commit violent crimes.”

McCrory vowed to combat those trafficking in drugs and people, as well as those committing violent crimes.

“Right now we have major cartels in our state, and I am going to expose those cartels that are involved in drug trafficking and human trafficking. We cannot allow any sanctuary for drug traffickers, human traffickers or violent criminals in our state.”

## Sanctuary cities in NC

In North Carolina there are at least five “sanctuary cities” – Asheville, Carrboro, Chapel

Hill, Charlotte, and Durham – that have passed resolutions outlining municipal policies about immigration violations.

One of the most stringent is Asheville’s policy, unanimously passed in 2013. It outlines what an officer or city employee can do in respect to immigration.

Under the policy, “The City of Asheville opposes any efforts to transfer federal immigration responsibility to state and local officials, since these proposals tax our already overburdened police department and damage relationships with immigrant communities.”

The policy went on to describe the city’s desire to “play a leading role in the protection of civil liberties and to consistently promote tolerance and respect for all persons.”

The resolution clarifies that the city rejects “profiling of any group” or setting up checkpoints or selecting certain areas of town for investigation based on any kind of profiling.

The policy goes into detail in regards to drivers without licenses, a common issue in debates over illegal immigration.

The policy states, “In accordance with Asheville Police Department policy, if officers stop a driver of a motor vehicle who cannot produce a valid operator’s license and a

computer check shows the driver has no license issuance information, a citation is sufficient enforcement action.”

The resolution goes as far



Gov. Pat McCrory

to explicitly state the city does not actively participate in the enforcement of federal immigration law.

Other policies, such as Carrboro’s and Chapel Hill’s, just say that their officers will not arrest or detain someone solely due to a civil immigration violation.

## Most immigration violations are civil, not criminal

Many police departments who maintain “sanctuary city” policies stand by them based on the understanding that enforcing civil immigration law, or nearly any civil law, is not

the duty of a municipal officer.

Immigration violations are generally not criminal offenses, but civil ones, which means that deportation is a civil procedure, not a punitive one.

The decision that deportation procedures are not punishment reaches back to an 1893 court decision in *Fong Yue Ting v. United States*.

In that case, the U.S. Supreme Court ruled that an order of deportation is not punishment for a crime, but merely a tool to bring someone in the country illegally back into compliance with the law.

Because immigration violations are civil and not criminal, illegal immigrants are not afforded the same due process rights of the criminally accused, including a trial by jury.

The exception is for illegal immigrants who have committed felonies and been deported; their presence in the country is a criminal offense, authorities say.

## Sheriff’s offices have alternatives to sanctuary city policies

But while municipalities can make policies concerning the detainment of illegal immigrants, or lack thereof, county sheriff’s offices have their own recourse to ensure that felon deportees, as well as others, can be detained and

held for Immigration Customs and Enforcement (ICE) agents.

Through memorandums of agreement between county sheriffs and ICE officials under Section 287(g) of the Immigration and Nationality Act (INA), localities can be delegated some of the powers of ICE agents, such as access to immigration databases, the power to issue ICE detainers, and other powers.

Here in North Carolina, this program is utilized by sheriffs in five counties: Cabarrus, Gaston, Henderson, Mecklenburg and Wake.

No other state has as many participating counties as North Carolina.

Last year in Wake County, 848 inmates were issued ICE detainers under the program, which is used daily, Wake County Sheriff’s Office officials say.

In Mecklenburg County, 589 illegal immigrants were issued detainers last year.

Officials in both Wake and Mecklenburg counties say the program is used on a daily basis as arrestees come through the county jails.

The agreement limits holds to 48 hours after the subject would normally be released.

This is to give ICE agents time to pick up the illegal immigrant or to arrange transportation for that person. ■



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# Scandal

# Former Executive Direction Dana Cope Wasn't the Only Problem At SEANC

BY BOB LUEBKE

Dana Cope, former executive director of the State Employees Association of North Carolina (SEANC), was indicted in early August by a Wake County grand jury on two counts of obtaining property under false pretenses.

The charges are serious. Prosecutors claim Cope used SEANC's credit cards to pay for over \$457,000 worth of personal items, such as appliances, plastic surgery, home renovations, massages, hotel rooms and video games. Cope also is charged with submitting over \$113,000 in false invoices to obtain checks, which he then used to pay for items such as flying lessons, landscaping and vacation. If convicted on both counts, Cope faces up to 15 years in state prison. According to news accounts, his attorney says he is cooperating with authorities in the case.

The indictment culminates a six-month investigation by public and private offices that led to the resignation or departures of key officials inside SEANC.

Cope resigned as executive director of SEANC, a position he held for 15 years, in February after Wake County District Attorney Lorrin Freeman asked the State Bureau of Investigation to look into concerns raised by two former association executive board members about Cope's spending.

While the charges against Cope are significant, the outlines of this story point

to problems at SEANC that extend far beyond this one case.

The red flags were initially waved when two SEANC executive board members, Betty Jones and Art Anthony, thought something didn't look right during a review of Cope's expenditures. The matter was brought to the board. Instead of prompting a full discussion, the board criticized Jones and

International Union (SEIU), audited SEANC and turned up nearly a half million dollars in unjustified spending and credit card transactions.

Interestingly, auditors noted it was not a complete look at Cope's spending. It only represented spending and transactions from October 2012 to February 2015. A total figure is not available since documents had been



Anthony, and they were voted out of office.

After Jones' departure, she took the information to the News & Observer (N&O). The SEANC board pleaded unsuccessfully with the N&O not to run the story.

After the story broke, SEANC board members stood by Cope, saying they had conducted their own investigation and found no irregularities or spending problems.

That's when the real problems started. In April, SEANC's parent union, Service Employees

shredded and a computer hard drive had been removed from the office. The Wake County District Attorney's Office is now investigating for possible prosecution.

So how was Cope able to get away with such a spending spree? Mitchell Leonard, who took over as SEANC's executive director after Cope's resignation, declined to be interviewed for the initial N&O story. However, a letter he wrote to the paper offers some insight.

*Our former Executive Director, Mr. Dana Cope,*

*grossly misused SEANC credit cards and misappropriated SEANC funds for personal*

*story's release, a number of employees were impacted by the scandal. Tom Harris, chief*

***"The moves by the organization and the board seem too little – and too late."***

*gain. ... These findings stem from a culture of submissiveness, deliberately built over time by Dana Cope, and maintained for his own financial benefit. As a result, established financial controls were compromised, transparency thwarted and the truth denied.*

Leonard asserted that Cope had obtained unchecked power to hire and fire anyone he wished. Leonard said that in 2001 Cope had the board approve a provision that gave him entire authority over personnel. The board approved the provision after Cope told members it was a routine matter with no significant changes.

Cope's last contract signed in 2012 gave him expanded powers to run SEANC. His salary was set at \$97,614. Last fall, records indicate, Cope's salary was raised to \$134,000. According to former executive board members Jones and Anthony, they never saw a contract that raised Cope's salary.

In weeks following the

counsel, and Communications Director Toni Davis both resigned. In addition, Finance Director Rex Foster was demoted, and Member Services Director Lynn Cote was put on probation for one year. In the meantime, SEANC has tried to make amends by improving accountability and financial transparency.

However, the moves by the organization and the board seem too little – and too late.

If he is convicted, Cope's actions can do serious damage to SEANC. However, the situation described was made far worse by a serious failure of oversight. Those lapses turned an organization dedicated to protecting the due process rights of employees into one of the worst offenders.

The failure of SEANC's board to take seriously its oversight responsibilities and its commitment to protecting the rights of its members is part of this story that is equally egregious as the alleged crimes, but the whole story will probably never be heeded. That's sad. ■

Scandal is a regular column in *Civitas Capitol Connection* that will explore public corruption in NC Government.

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