

NATIONAL NOW BOARD MEETING
Via Nationwide Webinar
Approved Minutes

Saturday, March 12, 2016

President Terry O'Neill called the National NOW Board meeting to order at approximately 12:10 Eastern Time.

Roll Call

Vice-President Bonnie Grabenhofer called the roll. The following were present or arrived shortly thereafter: April Emmert-Maguire, Beth Corbin, Charlotte Klasson, Bonnie Grabenhofer, Gilda Yazzie, Gordy Gustafson, Jerilyn Stapleton, Joanne Tosti-Vasey, Kae Chatman, Mary Pollock, Meredith Ockman, Panayiota Bertzikis, Shirley Ranz, Sinoun Hem, Sonia Ossorio, Sue Gibson, Terry O'Neill, Bonnie Grabenhofer,

Absent were: Aida Zuniga, Carla Josephson, Elena Carrillo, Kim Villanueva, Laurie Bertram Roberts, Marian Bradley, Michele Hamilton, Nancy Campbell Mead, Robin Dionne, and Advisors: Carol Moseley Braun, Eleanor Smeal, Janet Canterbury, Patricia Ireland

Adoption of Agenda

The agenda was adopted as amended.

Approval of Minutes

The minutes of the Regular Fall 2015 meeting and the Special meeting of January 2016 were approved as corrected.

President's Report

In February, **O'Neill** spoke at an event in Manchester NH hosted by ROC United in support of the One Fair Wage campaign to eliminate the difference between the tipped minimum wage and the regular minimum wage. She returned to New Hampshire for the weekend prior to that state's primary. In March she traveled to Virginia to speak at voter mobilization events at George Mason University and Northern Virginia Community College. She also participated as a surrogate for Hillary Clinton in a debate hosted by the county Democratic Party in Staunton, VA. Later in March, O'Neill and Smeal traveled to North Carolina for a series of voter engagement and mobilization events. They met with students at UNC - Charlotte, Bennett College, UNC - Greensboro and UNC - Chapel Hill. They then joined NOW activists, NC state legislators, and allies in Raleigh for a press conference and rally in support of Hillary Clinton for President.

In March, over 2,000 people converged at the U.S. Supreme Court to demonstrate in opposition to the Texas TRAP law that has forced the shutdown of a large proportion of abortion clinics in that state. The Court is considering the constitutionality of that law in *Whole Woman's Health v. Hellerstedt*, which was argued on March 2nd. We are also closely monitoring *Zubik v Burwell*, in which religiously affiliated nonprofits (hospitals, nursing homes, colleges, etc.) are demanding the right to force their religious views on their women employees by blocking their access to birth control in their employer-based health insurance plans. The Court will hear oral argument in that case on March 23rd.

Membership Report

As a result of improvements in the acquisition package of NOW's integrated multi-channel direct marketing program (DM), our membership has steadily increased since 2013. Average annual membership was 54,302 in 2013; 58,243 in 2014; and 63,348 in 2015.

Our DM vendor, Mal Warwick Associates, is working with us to improve our retention numbers, including expansion of our acknowledgement program and cultivation mailings.

Membership recruitment by chapters remains a small but vital part of growing NOW's membership base. For the three years ended December 31, 2015, chapters and state organizations recruited 1,730 new members. In addition, in the same period, 3,653 individuals joined NOW by going directly to www.now.org. Undoubtedly, chapter and state recruitment accounted for some portion of those new joins.

For 2016, NOW's scheduled mailings are: Jan 8, Jan 15, Feb 17, Mar 11, Mar 14, Apr 6, May 18, July 20, Aug 18, Aug 31, Sep 12, Oct 3 and Nov 28.

Chapters Report

Grabenhofer, assisted by Paul Wommack, provides chapter services including receiving and reporting on annual reports, coaching chapters through convening/de-convening/merging, IRS compliance, and coaching chapters with social media.

Based on the data from the 2014 annual reports submitted during 2015 (until December 31) as well as data from the database, 42 percent of active state organizations and 52 percent of active local chapters filed annual reports. There are currently 31 active state organizations and 151 active local chapters. In addition, nine new chapters are currently in various stages of convening or reactivating.

Rebates are a major source of income for most chapters and states. To be rebate eligible a chapter needs to have submitted two consecutive annual reports within the last three years, have at least two officers with current NOW memberships, a valid address on file, and to have cashed their most recent rebate check. In early 2016, 124 of 181 active chapters were eligible for rebates – nearly 70%.

The meeting recessed at 2:00 pm and reconvened at 3:00 pm.

Ms President NOW Report

Iowa NOW President Jean Classon, David Stewart, and many Iowa NOW activists campaigned for Hillary Clinton and were joined by **Grabenhofe** and Illinois NOW activists Gay Bruhn and Barb Miller, and other Illinois NOW members traveling by bus to canvass in Iowa, as well as Pat Reuss from Virginia doing a fundraiser and other election activities.. In addition to **O'Neill's** trips to New Hampshire reported above, **Ossorio** organized a bus from New York City, and NOW PAC member Jacqueline Kozin organized carpools from Connecticut, to key New Hampshire towns.

NOW and Feminist Majority, working with Virginia NOW leaders Diana Egoscue and Hala Ayalla, and Gailya Paliga, Marena Groll and others in North Carolina organized 5 voter engagement events in Virginia and North Carolina. Edith Miller, Linda Mahoney and Linda Berg from Maryland NOW went to Virginia to help out. In Indiana, MsPresidentNOW state coordinator Robin Olds and other NOW members gathered 500 signatures to place Hillary Clinton's name on the primary ballot, and Gay Bruhn and **Grabenhofe** collected 200 signatures in Illinois. As each of the 9 early state primary or caucuses approached emails were sent to NOW members in those states and 70 phoners organized by Pat Reuss and **Grabenhofe** made over 6,000 calls to NOW members urging them to volunteer for the Hillary campaign in their state. And 8 state and city chapters also organized phone banking to call NOW members and voters.

The NOW PAC webpage, www.nowpac.org, encourages people to sign up to volunteer for NOW PAC's MsPresidentNOW campaign. Those who sign up are later invited to join a private MsPresidentNOW Facebook page, an organizing tool for NOW members to share information, materials, strategies and tactics aimed at electing Hillary Clinton. Flyers/handouts are also available on www.nowpac.org, and the Chapter Leaders webpage has organizing documents.

Political Report

This year may be the most important presidential election in decades. First, a strong feminist woman is poised to possibly be elected President. Second, the next president will almost certainly appoint one Supreme Court justice, possibly as many as three. Third, the Republican Party has become ever more extremist, and we must do all we

can to take back control of the Senate and make real inroads in the House. Finally, we must strengthen NOW's grassroots especially at the state level, and elect legislators who will stand up for women's rights.

Currently the battleground states we are watching most closely are Florida, Colorado, Nevada, Ohio, North Carolina, Wisconsin, New Hampshire and Pennsylvania.

NOW PAC endorsed the following Senate candidates: Kamala Harris (CA), Pam Keith (FL), Jason Kandor (MO), Brian Schatz (HI), Donna Edwards (MD), and Patty Murray (WA). For the House, NOW PAC has endorsed Helene Schneider (CA-24), Susannah Randolph (FL-9), April Freeman (FL-19), Alina Valdes (FL-25), Emily Cain (ME-1), Lucy Flores (NV-4), Suzan DelBene (WA-1), and Pramila Jayapal (WA-7).

Financial Report

Thanks to an exceptionally strong end-of-year performance, NOW and NOW Foundation combined experienced a combined surplus of over \$290,000 for 2015. This is in contrast to 2013 and 2014, when we had annual deficits of between \$35,000 and \$45,000. The Foundation's revenue exceeded budgeted expectations by 37%, nearly all of it coming in December. In addition, our combined expenses came in significantly under budget, and thus we have a large surplus for the year. As a cautionary note, however, although our 2015 combined revenue (\$3.554 million) exceeded the 2015 budget, it was almost 3% lower than 2014 combined revenue (\$3.646 million).

NOW, Inc. had revenues of \$2.986 million and expenses of \$2.479 million, for a healthy surplus of \$508,000. Revenue came in slightly over budget, but expenses came in significantly under budget, primarily because of lower payroll: after Vice President Membership Chitra Panjabi left the organization in mid-year, her position was not filled. Note that the 2015 budget called for mailing only 900,000 new-member letters, in contrast to 2014 when we mailed nearly 1.5 million new-member letters. To maintain our yearly increase in membership, we are expanding our acquisition program to mail 1.2 million new-member letters in 2016.

NOW Foundation's revenue was \$568,000 and its expenses were \$666,000 for a modest deficit of \$98,000. That deficit was eliminated at the end of December when NOW, Inc. used some of its surplus to make a gift to the Foundation. Recall that the 2015 budget called for Foundation to have a larger deficit, \$220,000 which was projected to be offset by a NOW, Inc. surplus in the same amount. As it turned out, the Foundation's stronger than budgeted revenue, combined with keeping its expenses in line with the budget, resulted in better than budgeted results.

Accounts payable continue to be paid on time (usually 30 days terms), as are chapter rebates (which are paid 90 days in arrears). As of December 31, 2015, NOW and NOW Foundation combined had a cash reserve of approximately \$695,000 (ideal reserve, to cover 90 days of expenses, would be \$555,000).

Fundraising Report

Fundraising manager Chioke Barkari has begun to implement or expand a number of initiatives to expand NOW's funding base beyond our integrated multi-channel direct marketing program. We now provide special acknowledgement outreach for major gifts including phone calls, handwritten notes, and personal emails. Our planned giving webpage has been updated and a homepage slider has been added to the website homepage to remind people that it is easy to remember NOW or NOW Foundation in their will.

We are also developing a major donor engagement plan, which is intended to be ongoing and across multiple platforms. Engagement will include special e-newsletters with insider updates and interactive web meetings with NOW leaders. The fundraising manager is also developing a "give or get" toolkit for Board members, to assist with the implementation of our recent policy adopted at the bylaws and strategy conference. Options will include member recruitment, individual fundraising and personal contributions.

The webpage for NOW's 50th Anniversary gala and Forward Feminism Conference has been launched at now.org/conference, and we have begun outreach for sponsorships, program book ads, exhibit tables, conference folder inserts, gala tickets and conference registrations. As of February we have raised \$25,757.

2016 Conference and 50th Anniversary Gala Report

Both the 2016 conference and the 50th Anniversary Gala celebration will take place at the Hyatt Regency on Capitol Hill, 400 New Jersey Ave NW, Washington DC. We are still in the process of reaching out to potential speakers and honorees.

The gala will take place on Thursday evening, June 23, after the summer Board meeting. The conference will take place Friday through Sunday, June 24-26. The agenda for the conference includes four plenary sessions and five breakout sessions for workshops and issue hearings. In addition, because the 2016-18 NOW Board will be elected at the conference, there will be Board candidate forums on Friday and Board election voting on Saturday.

On Sunday, the conference attendees will debate and vote on a proposed bylaw amendment to require postal and email voting for NOW officers. We will then take up

the Board' proposed Strategic Action Program, followed by consideration of any resolutions passed at an issue hearing or brought forward via petition. The conference will adjourn at approximately 1 pm on Sunday.

2017, 2018 and 2019 Conference site selection

Conference bids were presented for Orlando, San Francisco and Minneapolis. **Voting put off til Sunday for lack of a quorum Saturday evening.** After discussion, the board voted to hold the 2017 conference in Orlando; the 2018 conference in or near San Francisco; and the 2019 conference in Minneapolis.

The meeting recessed at approximately 8:00 pm.

Sunday, March 13, 2016

O'Neill called the meeting to order at approximately 1:00 pm Sunday. Grabenhofer confirmed the continuing presence of a quorum.

Government Relations Report

NOW Government Relations Director and Director of Foundation Programs, Jan Erickson, delivered the report.

Republican leaders in the House are continuing their witch hunt against Planned Parenthood, through a committee we are calling the Special Committee to Attack Women's Health. Armed with faked-up videos released last July, the committee is issuing subpoenas demanding names of researchers, doctors, nurses, clinic administrators and others -- anyone connected with providing abortion care, which we know may endanger their safety. We are also concerned that some members of Congress may seek to end the fetal tissue research program which has had strong bipartisan support in the past. Some good news: Planned Parenthood has been cleared of any wrongdoing in 11 state investigations, while David Deleidion and his associate have been criminally indicted by a Texas grand jury for their roles in creating the fraudulent videos.

NOW Foundation signed on to the National Women's Law Center's amicus brief in *Whole Woman's Health v. Hellerstedt*, a challenge to the Texas TRAP law that forced many abortion clinics in that state to shut down. The death of Justice Scalia has resulted in an 8-member court that is split 4-3-1 (four generally sympathetic to abortion rights; three extremely hostile; and one, Justice Kennedy, considered a swing vote because while he is generally unsympathetic he is not outright hostile). NOW Foundation also signed on to an amicus brief in *Zubik v. Burwell*, in which religiously affiliated nonprofits (hospitals, nursing homes, colleges) are insisting they be given the

right to block their women employees from birth control in their employer-based health plans. All but one appeals court has ruled against the religious extremists. Again, with Scalia gone it is possible the Court may rule in favor of women's access to birth control.

NOW is actively supporting a number of bills. The Pregnant Workers Fairness Act would clarify reasonable accommodations that employers must provide to their pregnant employees. The Paycheck Fairness Act would prohibit employers from firing workers who share their salary information with co-workers and would make it less confusing to sue for violation of the Equal Pay Act. The Equal Access to Abortion Coverage in Health Insurance for Women (the EACH Woman Act) would require *all* insurance plans to cover abortion just like any other type of health care -- whether that insurance is paid by tax dollars (Medicaid, Medicare, military health plans, federal employees' health plans, Peace Corps, etc.) or is private. The Women's Health Protection Act would invalidate TRAP laws designed to shut down abortion clinics -- laws regulating women's health clinics would have to be supported by evidence, not political ideology. Finally, the Equality Act would protect LGBTQ people from discrimination in employment, housing, education, public accommodations, and other areas.

We have also signed on to efforts led by allies. We are opposing a bill that we believe would undermine FDA standards in an effort to expedite approval for drugs and medical devices. In addition, we are supporting the calls for naming a woman as the next UN Secretary General. And we are supporting the Department of Labor's proposed rule that would create a stronger conflict of interest standard for brokers and investment advisors dealing with individuals' retirement savings plans.

We are also regularly meeting with the ERA Coalition. Surprisingly, the Virginia Senate recently approved ratification of the ERA, thanks to tireless work by advocates including VA NOW President Diana Egoscue.

The meeting recessed at 1:45 pm for the NOW Foundation board meeting, followed by committee meetings.

The meeting reconvened at approximately 4:00 pm.

Committee Report: Ending the Sex Abuse to Prison Pipeline

Committee chair **Hamilton** presented the report. This national campaign is part of the Strategic Action Program that will be presented for debate and vote at the NOW conference in June. We know that ending the school-to-prison pipeline is key to dismantling mass incarceration. However, for girls--especially girls of color--sexual assault is frequently the precursor to their involvement with the justice system.

Especially in so-called “zero tolerance” public schools, girls who need services are often marginalized and ultimately pushed out of school instead.

One goal of this national action campaign is to improve teacher and staff training. Crimes that girls are commonly arrested for--running away, skipping school, substance abuse--are symptoms of trauma. Without sufficient counseling, an abuse victim may only receive the school’s attention after “acting out.” Worse, schools often respond by pushing girls into the justice system instead of giving them the trauma-informed services they need.

A second goal is to end the practice of arresting children for prostitution, and to hold child-sex buyers accountable. Many jurisdictions still view victims of child sex trafficking as perpetrators, resulting in their being arrested on prostitution charges even though they are too young to legally consent to sex. Areas of focus include educating the public about the role of buyers in perpetuating systematic violence against vulnerable youth, and redirecting public resources to scale up operations against buyers rather than criminalizing young people in the sex trade.

A third goal is to institute gender-specific physical and mental health care to address sexual trauma experienced by girls. In many schools, girls are not evaluated for mental health symptoms, and even when they are, mental health counselors are rarely licensed professionals. Schools and juvenile justice facilities also provide limited access to gynecological and pediatric care, and often re-traumatize sex assault victims through the use of restraints, strip searches, and isolation. And continued abuse while in custody remains a problem in many facilities. Areas of focus include strengthening the Juvenile Justice and Delinquency Prevention Act (JJDPA), and requiring juvenile detention facilities to comply with guidelines established by ACOG and the National Commission on Correctional Healthcare.

It may be possible to use Title IX to demand adequate resources for girls who are not receiving an equitable educational opportunity because they are not receiving the trauma-informed services they need.

Committee Report: ERA ratification and intersectional interpretation.

Committee chair **Klasson** delivered the report. A goal of this action campaign is to raise public awareness of the need to ratify the ERA, and of the alternative strategies that have been developed to achieve this goal. Activists are currently working on the three-state strategy in four states principally: Georgia, Illinois, Florida and Virginia. Legislators in states like Virginia, for example, will be very resistant to the Equal Rights Amendment on grounds that it would create a new constitutional basis for women’s right to safe, legal abortion access, and we need to develop a variety of means to overcome

that resistance. Another goal of this campaign is to develop an understanding of the ERA that is intersectional -- for example, laying out how women of color, immigrant women, LGBTQIA women, and others could use the ERA to redress the multidimensional forms of discrimination they face.

Committee Report: Full Access to Abortion and Birth Control

Committee chair **Ockman** delivered the report. The campaign to ensure full access to abortion care and birth control currently focuses on raising awareness of two crucial Supreme Court cases, and advocating for passage of two bills pending in Congress, the EACH Woman Act and the Women's Health Protection Act.

The Supreme Court case of *Whole Woman's Health v. Hellerstedt*, is a challenge to the Texas TRAP law intended to shut down abortion clinics. With the death of Justice Antonin Scalia, the Supreme Court appears to be split 4-3-1, with Justice Anthony Kennedy considered the swing vote. If he sides with the abortion clinic, the vote would be 5-3 -- in which case Justice Scalia's absence would have no effect, and even the later appointment of a conservative would not alter the balance. On the other hand, if Kennedy sides with Texas, the court's decision would be a 4-4 tie; in that case the existing ruling by the Fifth Circuit, upholding the law, would stand but it would not be binding precedent, leaving uncertainty for other states.

In the other case, *Zubik v. Burwell*, is a consolidation of a half-dozen cases in which religiously affiliated nonprofits (colleges, hospitals, nursing homes, etc.) are demanding the right to block coverage of birth control in their employer-based health plans. In all of the consolidated cases, the appellate courts ruled against the nonprofits. If the Court splits 4-4, those rulings will stand but it would not be binding precedent. As a result, two separate cases from the Eighth Circuit, which ruled in favor of the religious extremists, would also remain in effect. Alternatively, the Court might defer a decision and order re-argument and revisit the case in the next term when a ninth justice has been appointed.

The Women's Health Protection Act is intended to ensure that "abortion providers are not singled out for medically unwarranted restrictions that harm women by preventing them from accessing safe abortion services." The bill prohibits states from passing laws like the Texas TRAP law at issue in *Whole Woman's Health v. Hellerstedt*. Our goals are to increase awareness of this legislation and increase the number of co-sponsors of this legislation.

We also aim to raise public awareness and increase the number of co-sponsors of the Equal Access to Abortion Coverage in Health Insurance (EACH Woman) Act of 2015. This bill would require the federal government to ensure coverage for abortion care in public health insurance programs such as Medicaid, and would prohibit federal, state or

local governmental interference with coverage of abortion care by private health insurance plans. The House bill, introduced by Rep. Barbara Lee, has 118 co-sponsors; currently there is no Senate version.

Committee Report: Structure and Process

Administrative policies referred to the Board for recommendation to the 2016 conference: Committee Chair **Yazzie** presented the committee's first motion.

Moved, that the following resolution, previously referred to the National NOW Board, be presented to the 2016 conference with a recommendation in favor of adoption:

"RESOLVED, that in setting the National NOW annual budget, the Board should prioritize setting aside bequest income for an endowment fund and/or special projects, as opposed to current operating costs."

After discussion, the motion passed by a vote of 12 in favor, 2 against, and one abstaining.

Yazzie presented the committee's second motion. Moved, that the following resolution, previously referred to the National NOW Board, be presented to the 2016 conference with a recommendation in favor of adoption:

"RESOLVED, that chapters and states keep one hundred percent (100%) of the dues from new joins they generate, and

"FINALLY RESOLVED, that all renewal dues will be rebated beginning with a member's second annual renewal."

Motion to amend by **Gibson**, seconded, to add "up to \$500 per new member, with any amount over \$500 per new member to be sent to National NOW."

After discussion, the amendment passed, and the motion as amended passed by a vote of 13 in favor, none opposed, and two abstaining. Final language to be presented to the 2016 conference, with a recommendation in favor of adoption:

"RESOLVED, that chapters and states keep one hundred percent (100%) of the dues from new joins up to \$500 per new member, that they generate, with any amount over \$500 per new member to be sent to National NOW, and

"FINALLY RESOLVED, that all renewal dues will be rebated beginning with a member's second annual renewal."

Site selection for 2017, 2018 and 2019 national conferences

Moved by **Tosti-Vasey** to hold the 2017 conference in or near San Francisco, the 2018 conference in Minneapolis, and the 2019 conference in Orlando.

Motion to amend by **Ockman** to hold the 2017 conference in Orlando, the 2018 conference in or near San Francisco, and the 2019 conference in Minneapolis.

Substitute motion by **Gustafson** to hold the 2017 conference in Minneapolis, the 2018 conference in or near San Francisco, and the 2019 conference in Orlando.

After discussion, the Board voted to hold the 2017 conference in Orlando, the 2018 conference in or near San Francisco, and the 2018 conference in Minneapolis.

The meeting adjourned at approximately 7 pm.