



# THE WEST VIRGINIA VOTER

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## PRESIDENT'S REPORT

By Jonathan Rosenbaum

In a time when oceans are swirling with gigantic growing islands of plastic, more about that in a bit, and everyone is talking about the Kavanaugh hearings, how is the League of Women Voters reacting?

The League does not take a position on appointees and we don't dispute an appointee's qualifications. Our steady focus is on public policies—namely, the decision-making process, enforcement, and the relevant administrative rules. Yet, we are advocates and we fiercely understand the importance of our role as advocates for nearly a century.

And, while we do not take a position on appointees, we are obliged to stand up when and if ideologies—spoken or implied—threaten the people, the rights and the public policies the League has long worked on to protect and expand fundamental voting rights.

(Quoted from the LWV Blog - Celina Stewart, Director of Advocacy and Litigation)

Here are some Press Release blurbs from <https://www.lwv.org/newsroom/press-releases>:

### **League Statement on Testimony of Dr. Christine Blasey Ford 9/27/2018**

"We believe her, and the League supports a full FBI investigation of these claims, which must be done given these circumstances. This is the absolute least that can be done before the Senate votes on a lifetime appointment to our highest court. This is about equity and transparency, and nothing less."

### **League Demands FBI Investigation Before Full Senate Vote on Kavanaugh 9/28/2018**

Washington, DC – The League of Women Voters President Chris Carson and CEO Virginia Kase issued the following joint statement: "This hearing was an appalling display of..."

At the League's 2018 Convention in Chicago this June, I got to experience this ferocity first-hand by participating as a delegate for the State of WV, along with Patricia Bunner from Morgantown-Monongalia. Two additional people from Morgantown attended as non-delegates, Evelyn Ryan, and my mother, Shirley who served as a volunteer. From <https://www.lwv.org/league-management/council-convention/convention-2018-daily-briefing>:

Delegates voted to add advocating for the National Popular Vote Compact to the Campaign for Making Democracy Work® under Improving Elections. Delegates also voted for LWVUS to prioritize advocating for the Equal Rights Amendment (ERA) to be added to the U.S. Constitution.

During the Convention I attended a Caucus on Promoting Effective Action on Carbon Pricing. Here is the motion that passed:

The League of Women Voters stands united with, and in support of, efforts to price carbon emissions, whether cap-and-trade, carbon tax/fee, or another viable pricing mechanism. The League does not have a position on how the revenue generated is to be used. We do not espouse any single method of pricing carbon over another. We will evaluate all proposed methods based on their effectiveness to abate emissions and whether the method can be successfully implemented.

If you want to effectively get up to speed about the League's position about Carbon Pricing, and the Carbon Pricing clarification resolution at the 2018 Convention, this website page provides an excellent collection of information: <https://priceoncarbon.org/business-society/webinars-carbon-pricing/league-of-women-voters-supports-carbon-pricing/>.

Back to those gigantic growing islands of plastic in the oceans, this was the image that was swirling in my mind when Matthew Mehalik, Executive Director of the Breathe Project in Pittsburgh spoke to us about the Appalachian Storage Hub/petrochemical complex at our August State Board Meeting. We learned that the primary goal of this infrastructure project is the production of plastics in a world that already has too much of it. Please try to attend this free conference on Nov. 14 : <https://breatheproject.org/event/league-of-women-voters-2018-shale-public-health-conference/>.

General Elections are coming soon, and our Voters Guide will be available at <https://www.lwv.org/category/league-of-women-votes-of-wv/voters-guide/>. Also, <https://www.lwv.org/tag/video/> is an excellent source for the latest videos, including events about the Amendments and Candidate Forums. There is more information about the League's partnership with <http://votenoonlwv.org> in this newsletter, but I want to point out that the League's Public Policy on Reproductive Choices is on pages 32 – 35 of "Impact on Issues": <https://www.lwv.org/library/lwvus/>.

Our League's relationship with the LWVUS Lobby Corps continues to impress, we now have a second lobbyist, Patricia Bunner

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## Two Constitutional Amendments On the Ballot in November



Amendment 1 on the November 2018 WV ballot asks voters to amend the state constitution as follows:

***“Nothing in this Constitution secures or protects a right to abortion or requires the funding of an abortion.”***

This Amendment is contrary to the longstanding position of the League of Women Voters to affirm a woman’s constitutional right to make reproductive choices.

Our state LWV board has voted to become a partner with the coalition working to defeat this amendment. The coalition consists of Planned Parenthood, the ACLU, West Virginia FREE and the Women’s Health Center of West Virginia.

Here are a few facts about the amendment:

- There are no exceptions for terminating a pregnancy in the case of rape, incest or the health of the mother.
- If Roe v. Wade is overturned federally, existing language in our own state code would criminalize **all** abortions, making doctors, nurses and women who desperately attempt to self-abort subject to criminal prosecution.
- The amendment opens the door to take away Medicaid funding for therapeutic abortions.

The LWV supports keeping reproductive decisions private. The decision to terminate a pregnancy should be up to a woman, her family and her faith—not the government or politicians.

On September 18, the LWV of Jefferson County featured a speaker from WV FREE on Amendment 1. A video of that program is available at the state League website (the video also includes a presentation on Amendment 2 which gives the legislature authority over the judiciary budget). Go to recent posts and click on Jefferson County Meeting – Amendment 1 and 2. Once you start the video, a volume symbol will appear in the lower right corner. Click on it to adjust volume.

As designated point person for the state LWV on this issue, I have forwarded excellent outreach materials to local League presidents. There are phone banks across the state in need of volunteers. The phone call lists target voters likely to oppose Amendment 1 if they know what it means. One of the biggest hurdles to defeating Amendment 1 is that few voters are aware of its implications. Please help in whatever way you can.

*Lyn Widmyer, Jefferson County LWV*

## AMENDMENT 2

By Julie Archer

In November, voters will decide whether to approve the **Judicial Budget Oversight Amendment**, which would amend the state constitution to give the Legislature oversight of the judiciary’s budget. Here are some pros and cons, regarding the proposed amendment:

### Pros:

West Virginia is unique in its constitutional protection of the judicial budget, and as a recent editorial in the *Charleston Gazette* put it, “Something needed to be done. The outrageous sense of entitlement at the West Virginia Supreme Court — the ridiculous amount of money court justices spent on their offices, Justice Allen Loughry carrying state property home (and then returning it when caught), [followed later by revelations of misuse of state vehicles by Loughry and Justice Menis Ketchum] — made the need for corrective action obvious.”

The proposed amendment includes a procedural safeguard that says, *“the Legislature may not decrease the total general revenue appropriations to the judiciary ... to an amount that is less than eighty-five percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget without a separate vote ... approved by two-thirds of the members elected to each house.”*

### Cons:

Although the procedural safeguard is intended to discourage retaliation and protect the balance of powers between the legislative and judicial branches, should the proposed amendment be approved by the voters, legal scholars have urged caution in taking away budget control from the Supreme Court because it would constitute a lack of separation of powers and open the court to politically motivated attacks if the court makes a decision the Legislature disagrees with.

Budgetary shifts could also affect the day to day functions of the courts, and it’s important to remember that we aren’t talking just about the Supreme Court, but the budget of West Virginia’s entire judicial system, including the circuit, family, and magistrate courts, and constraints imposed by the Legislature could affect their ability to effectively serve the people.

## WEST VIRGINIA AND HEALTHCARE UPDATE

By Betty Barrett

Political analysts consider health care one of the top issues in the coming midterm elections. Television campaign ads are proof in West Virginia. Here are some factors to consider.

West Virginia has one of the highest rates of pre-existing conditions in the nation, an estimated 737,900 people. Conditions include diabetes, heart disease, lung conditions, cancer and more. Causes may be related to employment (black lung, serious physical injuries) or life style (smoking, obesity, eating habits, alcohol or drug use).

West Virginia is a Medicaid expansion state, which means that most low income residents qualify for Medicaid based on income and need. Their children may be eligible for the Children's Health program. Many working people receive health insurance through their employer. Following introduction of the Affordable Care Act, many uninsured individuals and families bought into that insurance, with subsidies based on income. For several years, health insurance coverage increased across the state.

The West Virginia Center on Budget and Policy looks at census data and other reliable statistics. They discovered in 2017 that the uninsured rate in West Virginia increased from 5.3 percent to 6.1 percent, after a welcome drop from 13.4 percent before the ACA. Nationally the uninsured rate remained the same, 8.8 percent, between 2016 and 2017.

The WV Center's census data shows that our state's poverty rate has increased 19.1 percent, up 1.2 percent from 2016. Our median income in 2017 was estimated at \$43,469, \$16,867 below the national average. We were lowest of the 50 states. Adjusted for inflation, it has not increased since 2007.

Another statistic from the Center on Budget and Policy: While employment in West Virginia has increased since the recession of 2008, most of these jobs have been what is considered "low-wage" jobs.

The Center says the trend is likely to continue and grow in the future, unless policies change and workers can increase their job skills. Jobs in tourism, considered a possibility for increasing employment, are often in this low wage category.

Why should West Virginia's uninsured rate have increased? This is a lot of numbers, but what does it mean? Many employers do not provide health insurance, especially in the service industry. These employees could access ACA benefits, but income from these jobs may make them ineligible for Medicaid and may not be enough to buy insurance. Medicaid eligibility may eliminate them.

Our citizens are fortunate to have ways to obtain health insurance, but need help affording it given our low incomes. We will be hearing more about these issues no matter what happens in November.

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### LETTER TO THE EDITOR, April 22, 2018 by Kent Leonhardt, Commissioner

I appreciate receiving "The West Virginia VOTER" in the mail at my Charleston office. I was particularly drawn to the article on Senate Bill 270 "Timbering in West Virginia's State Parks" by Helen Gibbins. Especially because I played a significant role in keeping the bill from ever coming to a vote.

The significance of this bill goes far beyond the environmental issues brought up. It also reminds voters that there can be strong bi-partisan opposition to things that seem "smart" on the surface, but when properly examined are totally the wrong thing to do. It is also a reminder that vot-

ers should insist on good government practices and party affiliation should never be the sole reason for voting for a particular candidate.

SB270 was a Governor's bill therefore it was sponsored by both the Senate President and Senate Minority Leader. As I learned, there were senators on both sides of the aisle that never wanted to see a vote on the bill, but there was tremendous pressure to ram it through. After I voiced my public opposition to the bill, in defiance of the Governor of my own party, I worked closely with the group Gibbins identified as "Save Our Parks." In addition, I spent a

lot of time coordinating with senators of both parties to make sure they understood the issues involved. One of the curious times was when the bill was being pushed as important for forest health. Funny, the Commissioner of Agriculture is responsible for Forest Health. Neither I nor my staff were ever contacted before the forest health issues were presented. That was not good government. Our voters should insist on good government from elected and appointed officials regardless of which side of an issue we fall on.

*Continued on page 5*

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## NATURAL RESOURCES UPDATE

By Helen Gibbins

**WATER QUALITY ISSUES** - The League commends the WV Rivers Coalition for its leadership on issues that affect our water quality.

**PIPELINES.** The WV Department of Environmental Protection (DEP) had established special conditions for the Mountain Valley Pipeline and the Atlantic Coast Pipeline under the U.S. Corps of Engineers Nationwide Permit program (a general permit program) because construction of the pipelines disturb wetlands and streams. The companies were not meeting the requirements of their permits so the WVDEP decided to ease the requirements and submitted weakened permit changes to the public for review.

The League signed on to the WV Rivers Coalition's comments in opposition to the DEP's modifications. Among the arguments for opposing the DEP's modifications are they would:

- Allow exemptions to the 72-hour stream crossing restriction. Allowing an increase in dewatering of streambeds would severely impact the aquatic life in the stream. Also the exemptions affect other agencies' decisions and requirements.
- Allow for the removal of any permit conditions with no public scrutiny.
- Allow changing or eliminating protections for every Nationwide Permit and would open the door for waivers of all NWP's special conditions.

Rover Pipeline - The LWVWV commented on the inadequacy of the penalties on Rover's multiple pollution activities that harmed WV's water quality.

### TRIENNIAL REVIEW OF WV'S WATER QUALITY STANDARDS (WQS)

In July the League signed on to comments prepared by the WV Rivers Coalition (WVRC). The rules, as approved by the DEP, will go next to the Legislative Rule Making Review Committee, and then on to the legislature. Following are the WVRC's comments.

**Human Health Criteria.** The U.S. Environmental Protection Agency (EPA) updated recommended safe limits for 94 chemical pollutants. These limits are based on the latest scientific information to protect human health. WVDEP chose only to adopt the updated limits for 56 pollutants. **WVRC - Adopt all 94 recommended criteria to proactively protect human health.**

**Overlapping Mixing Zones.** Revisions accept overlapping areas where toxins are allowed to be discharged at levels that exceed safe standards, relying on eventual dilution. Overlapping mixing zones can lead to dangerous combined effects and potential interactions between pollutants.

**WVRC** - Require evaluation of cumulative effects and interactions among different pollutants on human health before

approving overlapping mixing zones. **WRVC** - Specify signage to warn the public that the waterbody contains high levels of pollutants harmful to human health.

**Harmonic Mean to calculate discharge limits.** Remember the "toxic water bill", aka "Cancer Creek bill", the WV Legislature passed in 2017? Now it will be implemented with the proposed changes in this rule. The consequences are more toxins and cancer-causing chemicals allowed in our water. The new method, harmonic mean, is not adequate for protecting us from toxins with short-term exposure risks. **WRVC** - Include discretion to apply a more protective method for calculating discharge limits for pollutants known to have short-term exposure risks.

### ORSANCO (Ohio River Valley Water Sanitation Commission)

The LWVWV sent comments to ORSANCO and Governor Justice opposing the actions of the ORSANCO commissioners to cease setting its own Water Quality Standards (WQS). ORSANCO would instead use the USEPA's and individual states' water quality standards. ORSANCO'S reasons for this change are that ORSANCO's standards are largely redundant to existing federal Clean Water Act standards and that ORSANCO should focus on monitoring river conditions. The LWVWV's comments to ORSANCO and to Gov. Justice - 1) Some states use ORSANCO's standards for their states' WQS. 2) There should be common standards especially for certain constituents. 3) When standards are stronger in some states, there will be arguments among the states on which standards should apply. 4) The standards are used to determine if entities are polluting the Ohio River.

Google Inside Climate News ORSANCO for more comments on this issue.

### MORE ON STATE PARKS

The Economic Development Authority authorized \$80 million worth of excess lottery revenue bonds for the improvement of WV's state parks. The money will go to infrastructure improvements, repairs, Improving Americans with Disabilities Act accessibility needs, and internet services in some parks.

According to a September 18 article in the *Charleston Gazette*, a legislative audit suggests the legislature should again consider charging entry fees at state parks and forests to gain income for improving and maintaining the parks and forests. The bond income will only pay for a part of the parks and forests' needs. An earlier proposal would have set \$2/vehicle a day or \$12/vehicle a year. The fees would have generated more than \$1.2 million.

## President's Report *continued from page 1*

from Monongalia-Morgantown; Jing Zhang from Monongalia-Morgantown is creating an interactive map for each state showing both the U.S. House Districts (and local offices of the U.S. House Representatives for each district) and the locations of all the Leagues (State and Local) in the Nation.

Jonathan Rose Cos. and the League of Women Voters have launched the "Rose Votes," National Campaign to Support Voter Participation for Low-Income Residents; several local Leagues will be registering these residents at various locations in WV.

Students in WV can now become members of the League for free in most places!

Exciting news from the Charleston area, there are now efforts underway by a new member to form a Member-At-Large Unit. If you live in this region, have not been contacted, yet, and are interested, email me at [jr@lwvww.org](mailto:jr@lwvww.org) for more information.

While readers may be overwhelmed by the plethora of links this President has provided in this report, never feel shy to click on at least one link, [chat.lwvww.org](http://chat.lwvww.org), to stop by and chat!

## League of Women Voters of West Virginia News

### League Collaboration with Local Community Organizations Registers Nearly 200 Voters

This summer the League was asked by Rise Up West Virginia, a local community organization, and WV Citizen Action Group to partner in an effort to register voters in the greater Charleston area. To date we have helped nearly 200 West Virginians register or update their voter registration at various locations including Cabin Creek and Family Care Health Centers, Covenant House, and the Charleston Town Center. We also registered voters at community events such as the Downtown Charleston Streetfest hosted by the Charleston Area Alliance, and the Arts & Crafts Mound Festival in South Charleston. We're grateful to our partners, to all of the other organizations that have provided us access to their venues and facilities, and to all the League members and other volunteers who helped make this effort a success.

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## WEST VIRGINIA VOTER REGISTRATION DEADLINES AND OTHER VOTING INFORMATION

- Election day: Tuesday, November 6.
- Deadline to register online: Tuesday, October 16.
- Deadline for registering to vote by mail: Tuesday, October 16.
- Deadline to register to vote in person: Tuesday, October 16.

West Virginia offers [online voter registration](#).

You will need a West Virginia ID and a Social Security number to use West Virginia's online voter registration system. If you don't have a West Virginia-issued ID, you can still register to vote by mail.

**Active-duty military, their families, and voters living outside the US** can register to vote and request their absentee ballot using the Federal Post Card Application (FPCA). More information at:

<https://www.fvap.gov/west-virginia>

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## LETTER TO THE EDITOR, April 22, 2018 *continued from page 3*

As we head into the next election season it is important to remind everyone to make sure they thoroughly vet the candidates they want to elect. Party is not necessarily the most important voting indicator. We have all seen party changes after elections. When studying those who have served in the legislature, voting record can be a most important indicator, but public statements prior to votes can also be key. If a candidate has never served we have less to go upon, and we have to put some trust in what they tell us on the campaign trail. We can research their accomplishments in other endeavors.

As your members head to the polls in 2018 I hope they will take the time to know for whom they are voting. In my former life as an Intelligence Officer we rarely accepted information from one source.

In 2012 I travelled from my home in Monongalia County to Greenbrier County for a Candidate Forum. Early voting had already begun. After the forum a woman came up to me and said, "Sir I owe you an apology. I early voted and voted for a name I recognized; I voted for the wrong person." She promised me she would never vote for anyone without doing her research ever again. I thanked her for telling

me and told her that made my trip worthwhile. I then asked her to get me 10 voters in penance.

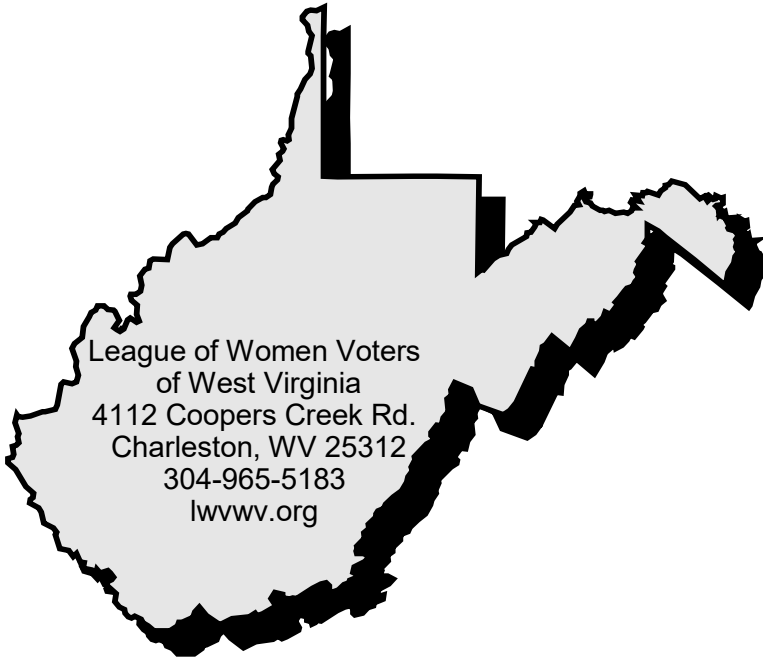
Since I am not running for anything this year I can clearly ask your readers to take the lessons learned this past session to heart.

*Kent Lehardt is the West Virginia Commissioner of Agriculture and a former West Virginia State Senator for the 2nd Senatorial District.*

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Teresa Koon  
 Editor

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