



THE WEST VIRGINIA VOTER

Published Semi-annually by the League of Women Voters of West Virginia

Vol. 66 No. 1 Fall 2022

LEAGUE OF WOMEN VOTERS OF WEST VIRGINIA OPPOSES THREE CONSTITUTIONAL AMENDMENTS ON FALL BALLOT

By: Lyn Widmyer

On July 15, The League of Women Voters of West Virginia Board voted to oppose 3 of the 4 amendments on the November general election ballot.

Oppose Amendment 1: Clarification of Judiciary's Role in Impeachment Proceedings

Oppose Amendment 2: Property Tax Modernization

Oppose Amendment 4: Education Accountability

Amendment 3 concerns the incorporation of religious denominations and churches. The LWVWV has no policy position regarding this issue, and so has no recommendation.

The basis for the League's opposition to three of the amendments follows:

Amendment 1: Clarification of the Judiciary's Role in Impeachment Proceedings

The LWVWV and the LWVUS believe in representative government that all powers of the government should be exercised within the constitutional framework of a balance among the three branches of government: legislative, executive, and judicial. The League also believes firmly in the individual liberties guaranteed by the Constitution of the United States, and that individual rights now protected by the Constitution should not be weakened or abridged. (See pages 10 and 51 of LWVUS Impact on Issues). For these reasons the LWVWV opposes this amendment. This amendment would cut loose future impeachment proceedings of the state legislature from all constitutional restraint, potentially denying a public official faced with impeachment their right to due process, thereby eroding existing checks and balances between the three branches of government and undercutting public trust in the political process.

Amendment 2: Property Tax Modernization Amendment

This amendment would authorize the Legislature to exempt business related machinery and equipment from taxation. The LWVWV opposes this amendment because of the potential effect on local funding of important services like schools, libraries and parks. Communities in our state should be able to rely on a stable, long term source of revenue (like taxes on personal property used for business activity). Removing this revenue source from localities reduces their options for local investment. This amendment is inconsistent with LWVWV positions to support a state tax system that relies on diverse sources of income and provides an adequate, stable yield, and to oppose any tax reform or change which negatively affects the state's or local government's ability to provide necessary services.

Amendment 4: Education Accountability

This amendment would make policies by the State Board of Education subject to legislative review. In 1958 the voters amended the state constitution to give general supervisory authority over the school system to the State Board of Education. LWVWV supported that change. The State Board of Education is comprised of citizens from diverse backgrounds and education expertise who are appointed by the governor and confirmed by the Senate. This model provides stability in terms of educational programming and allows timely response to educational issues. Granting the state legislature authority over state education rules and policies will, in the words of the Board of Education, only make our system of education "less efficient, more chaotic and subject to partisan politics."

2022 General Election: Tips to Make Sure Your Vote Counts

by Judy K. Ball

Our 2022 elections come with big changes. Redistricting produced new boundaries for 17 State Senate, 100 single-member House of Delegates, and 2 Congressional districts. Counties redrew magisterial districts and precincts and matched voters to all the changes before the Primary in May.

If You're Not Registered, You Cannot Vote.

Check your registration status and update as needed.
Check your voter registration status online at [GoVoteWV.com](https://www.govotewv.com).

Deadline to register or make updates is **October 18, 2022**.

Vote Early – by Absentee Ballot or In-Person.

1. Apply for an absentee ballot, if you're eligible.

Deadline to apply is **November 2, 2022**, but don't wait—request your ballot now.

Not every voter is eligible to vote an absentee ballot. See Information on [GoVoteWV.com](https://www.govotewv.com) for eligibility details (read carefully), to apply for an absentee ballot online, or to get an application to send to your county clerk.

2. Use Early In-Person Voting.

Begins October 26 and ends November 5, including two Saturdays, no Sundays.

Each County offers at least one Early Voting site; many counties have multiple sites. County clerks publish locations for Early Voting sites.

Why use Early In-Person Voting?

- Relatively few voters will qualify for absentee ballots in 2022.
- Less likely to encounter lines/waits, compared with Election Day.
- Multiple weekdays and Saturdays mean greater flexibility.
- Your precinct assignment doesn't matter for Early Voting. **VERY IMPORTANT**

Vote In-Person on Election Day, November 8.

If you wait until Election Day to vote, it is important to go to the correct precinct with an acceptable form of ID.

Find your district and precinct information by looking up your address on the Interactive Map at www.mapwv.gov/vote/ or contact your county clerk.

What happens if you go to the wrong precinct? West Virginia law says that if you vote at the wrong precinct, your **ballot may not be counted**.

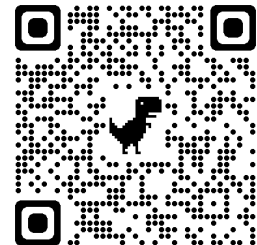
The law also says poll workers can try to find the correct precinct to direct the voter. Unfortunately, that may discourage voters, or they may simply run out of time.

Protect Your Vote

The League wants your vote to count, so we encourage every voter to take advantage of Early Voting options.

Vote early. Make sure your vote counts.

[GoVoteWV.com](https://www.govotewv.com)



WV Has Set the Stage to Utilize Funding for Clean Energy Initiatives

By: Nyoka Baker Chapman

West Virginia has already passed significant legislation in 2022 that will have a direct impact on our ability to utilize select funding from the recently passed Inflation Reduction Act (IRA). Bringing these bills into law was a bipartisan achievement that will support clean energy and climate change initiatives. Although there are pros and cons attached to the following items of legislation, these bills have placed our state in a position to 'go bold' to initiate some large scale clean energy projects.

SB 4 lifted the ban on the construction of nuclear energy facilities. Although storage of nuclear waste is still at issue as well as the retirement of such facilities, nuclear energy is still a zero-greenhouse emissions option. SMRs (small modular reactors) are the likely nuclear energy sources that would be brought into use.

HB 4491 achieved passage, which establishes requirements for carbon dioxide sequestration, the storage and capture of CO₂. As of this date though, CO₂ sequestration projects have not been successful, but as CO₂ is a commodity, perhaps the price will go up and create an incentive to advance the technology as so many products can be manufactured from carbon.

HB 4098 also became law, which sets a regulatory structure for the development and availability of geothermal energy.

HB 4084 paved the way for Advanced Recycling and will enable WV to utilize and regulate advanced recycling technologies to create new products and help solve problems of solid waste disposal.

HB 3082 will stabilize funding sources for the WV DEP Division of Air quality.

HB 4566 created the Economic Enhancement Grant Fund, the purpose of this bill is to make grants available from the West Virginia Water Development Authority and authorize them to cover all or a portion of the costs of water, sewer, economic development and tourism projects.

What is missing though in the noted 2022 legislation is at the heart of what is needed to

truly secure West Virginia's future, which is passing laws that address environmental justice. Well documented statistics inform us that there is an increase in health problems such as respiratory illnesses, premature and adverse births outcomes, increased cancer rates and more due to exposure to harmful chemicals in the air and water for those living and working in proximity to the fossil fuel industries. Fortunately, the IRA will permanently extend the black lung excise tax and guarantee funding for the Black Lung Disability Trust Fund, which has been a major concern for many West Virginians.

The Inflation Reduction Act (IRA) will make available \$60 billion for investment into environmental justice for disadvantaged communities which will mean jobs and funds for projects that can create local stimulus toward advancing clean energy initiatives and increasing the quality of life for those who have been the most compromised. There has also been \$2 billion allocated in the IRA to fund rural energy programs. Applications for grants will require intelligent planning and cooperation between our legislature, government agencies, citizens, municipalities and the clean energy sector.

We know that permits to build clean energy and infrastructure projects will bring change and with it issues of displacement by eminent domain, relocation and compromise to accommodate progress. Environmental justice funding is there to be utilized to ease a clean energy transition for workers, families and communities.

Fossil fuel stakeholders kept a foothold in the historic bill as the IRA includes permitting of major infrastructure projects that are of "strategic national importance," which is to include fossil fuels among other project types. The bill also sets a two-year maximum timeline for environmental review for larger projects and one year for smaller ones, with a shortening of the statute of limitations for judicial challenges. There are graduated fees written into the bill which would set charges on specific oil and natural gas production that will rise in consecutive years.

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WV Has Set the Stage to Utilize Funding for Clean Energy Initiatives *continued from page 3*

Appropriations of \$850 million to help affected facilities cover such costs were made, as well as \$700 million to address methane emissions from some conventional wells. The fossil fuel industry will be prodded into achieving the inevitable great transition, but completion of current pipelines and possibly even new ones are not excluded, particularly with a proposed hydrogen hub whose source of creation is currently dominated (at 95%) by steam methane reforming.

You can see a full briefing on the Inflation Reduction Act and its impact on not only climate and energy initiatives but increased fairness in health care negotiations, taxes, defeating special interests and reducing the deficit.

[BY THE NUMBERS: The Inflation Reduction Act - The White House](#)

Those states that will achieve the greatest benefit from the Inflation Reduction Act will proudly take home the appropriations, though they made no contribution toward their passage. Joe Manchin deserves credit for achieving negotiation that will hopefully help reduce greenhouse gases by 40% by 2030 for WV and the nation. We can attend the next UN Climate Change Conference (UNFCCC, Conference of the Parties) with at least a sign of relief that the US has passed legislation that honors our commitment to the Paris Climate Agreement and know that West Virginia is playing its part.

To all of those who made contacts to secure a phoenix from the Build Back Better Act, the coming generations owe you a debt of gratitude!

Dominion Post, 8/28/2022

If abortion rights are expendable, your rights are, too

BY SARAH BARNES

IF YOU SUPPORTED THE DECISION TO OVERTURN ROE V. WADE AND ARE ELATED THAT ABORTION IS ILLEGAL IN MUCH OF THE UNITED STATES, we have some bad news for you.

Your rights are at risk, too.

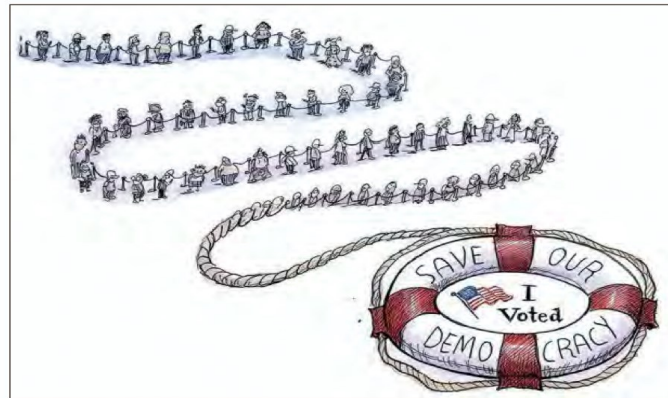
In *Roe*, the Supreme Court ruled a state law that permits abortion only to save the life of the mother violates “the Due Process Clause of the 14th Amendment, which protects against state action the right to privacy, including a woman’s qualified right to terminate her pregnancy” (410 U.S. 114). The 14th Amendment, ratified after the Civil War (1868), states:

“No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; *nor shall any state deprive any person of life, liberty, or property, without due process of law*; nor deny to any person within its jurisdiction the equal protection of the laws.” [emphasis added]

The Court upheld *Roe* in *Planned Parenthood v. Casey* (1992) and enunciated principles still relevant today:

“No change in *Roe*’s factual underpinning has left its central holding obsolete, and none supports an argument for its overruling” (505 U.S. 835).

“Overruling *Roe*’s central holding would not only reach an unjustifiable result under stare decisis principles, but would seriously weaken the Court’s capacity to exercise the judicial power and to function as the Supreme



Court of a Nation dedicated to the rule of law” (505 U.S. 836).

Thirty years later, a majority of our Supreme Court disparaged these conclusions in *Dobbs v. Jackson*.

The majority opinion written by Justice Alito is a sloppy interpretation of precedent, history and our constitutional framework. The justification for overturning *Roe*? The Constitution contains no mention of the right to abortion *and* it was not “deeply rooted” in history when the 14th Amendment was ratified.

Let’s look at our “deeply rooted” history. What else was not a right in 1868? Women could not vote. Native Americans were not citizens and tribal genocide was legal. Birth control was illegal. Women could not manage their finances independently. LGBTQ+ people were criminal-

ized for existing.

It is ridiculously anti-democratic to interpret our constitutional rights based solely on the laws and values of white men from centuries past.

Regardless, this new precedent undoes any right or framework that relies on the 14th Amendment. If it wasn’t a “deeply rooted” right in 1868, forget about it. A lot of history and science can be ignored and societal advancement reversed using the logic in the *Dobbs* decision.

This is why your rights are under attack, regardless of your views on abortion. Many constitutional rights are derived from the right to privacy in the Due Process Clause.

Regrettably, it is not clear where that leaves us in West Virginia. When *Roe* was overturned, abortion became a felony overnight,

criminalizing providers and recipients; however, there is currently a preliminary injunction preventing it from being enforced. Attorney General Patrick Morrisey has vowed to fight to make sure it is implemented.

We cannot rely on the courts. Legislative action is essential — and we have an election coming up.

Voting is the primary mission of the League of Women Voters. We believe that individual rights protected by the Constitution should not be weakened or abridged.

We value a society based on the voices and values of all. The values of one group cannot use the government to diminish the rights of others. Reproductive choices are a private matter that must be decided by individuals for themselves, not by the government.

To protect our rights, we must vote for a Congress that is willing to restore abortion rights nationwide and for state legislators who support abortion rights. Replacing embedded anti-abortion majorities in states is essential.

We encourage you to be a part of the fight to restore and protect our individual rights in West Virginia and elsewhere. Speak up and vote for those who truly believe that “Mountaineers are Always Free.”

SARAH BARNES wrote this essay on behalf of the League of Women Voters of Morgantown-Monongalia County. The League is a nonpartisan organization that supports individual rights, reproductive freedom and, of course, voting.

League Legislative Action Workgroup (LLAW): Forging a New Path for Advocacy

By: Judy K. Ball

Traditionally, the LWVWV strategy for legislative action – advocacy – has been to adopt a set of priorities immediately prior to each session of the Legislature and concentrate action just before the session begins or mid-session. Unfortunately, this approach, combined with the brief 60-day legislative session and limited League personnel, has limited our effectiveness in achieving policy goals.

Recognizing the need to modify the LWVWV's advocacy strategy, LLAW was proposed formally and adopted at the May 2022 LWVWV State Council. Instead of just prioritizing policies consistent with our values and advocating for them as we have always done, LLAW is designed to make that advocacy more persistent, a year-round effort that also adopts new and different modes of influence in priority areas.

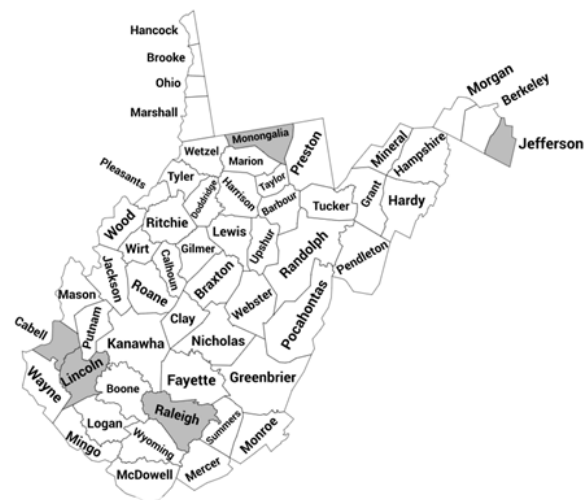
To make this work, one major difference is that LLAW cannot depend on one or two individuals. LLAW is a group of committed volunteers, League members from across the state of West Virginia.* Each brings a different skill set to LLAW's tasks. Respecting its still-limited numbers, LLAW has agreed, by consensus, to begin its work by focusing on the highest priority policy areas, consistent with LWV positions and LLAW expertise:

- Voting and voter registration
- Voter information/legislator accountability

LLAW began meeting biweekly on August 1. LLAW is in the process of developing an action plan focused on two discrete timeframes: the period prior to the November General Election, because many members of the Legislature are running for re-election, and the interim period between November and the January opening of the Legislative session.

*LLAW Members represent LWV of:

- Huntington Area
- Jefferson County
- Morgantown—Monongalia County
- Members-at-large from Lincoln and Raleigh Counties



[VOTE411.org](https://www.vote411.org) has served tens of millions of voters and won multiple national awards over the last fifteen years. We have long been a trusted source of objective and nonpartisan election information – your “one stop-shop” to everything election.

Key Features:

- Absentee ballot information and request tool.
- Online voter registration tool and voter registration verification support.
- Candidate and ballot measure information. Customized to the users address so users only see the candidates and ballot issues on their personal ballot. This information also provides detailed information on the candidates including LWV-provided questions to the candidates and their responses, in their own words!
- Early voting options and polling place finder.
- Upcoming election dates and registration deadlines. We cover all elections, no matter how small!
- First time voter checklist and healthy voting checklist. Feel empowered to vote by following these few, easy steps.
- Polling place hours and location finder.
- Eligibility requirements.
- Voter ID requirements.
- Voting machine explanations.
- State and local candidate debate forum invitations and recorded videos.



HEALTH CARE REPORT

By: Betty Barrett

The League of Women Voters' position on reproductive choice, adopted in 1983, states "The League of Women Voters believes public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices."

The major news concerns the reproductive choice bill, which was approved by the Legislature on September 13 and signed by Governor Justice, which does not now allow this choice. As approved, abortion is not possible except within strict time limits, with few exceptions, one of the most restrictive bans of the country. This is a major blow to women, but I am sure this action will not be the last on this issue.

In other health care news, LWVWV is cooperating with Health Care for All West Virginia on a series of candidates' meetings before the November election. They will be:

September 16 – Cabell-Wayne Counties -Virtual

October 4 – Wood County -Virtual

October 11 – Monongalia County – Virtual

October 18 – Kanawha County – Live -6-7:30 Grace Bible Center

To reach the virtual presentations: https://docs.google.com/document/d/1cEfbgW-Cf9iuzxhTqnISJ-XloQbTDnmBV_4Aa1zr-Q/edit

One more reason to vote against Amendment 2 in the election – if it is approved, public health departments would be on the list to lose funding. Our county health departments are vital in protecting the health of citizens, guarding the safety of water, restaurants, so much more. They proved essential in the fight against Covid in the pandemic that finally seems to be dying down. We need them to help in whatever happens next to threaten our health.

OP-ED

Now, more than ever, voting matters

By JUDY K. BALL

WHEN THE U.S. Constitution still contained an individual right to abortion, it was too easy to ignore state legislatures' actions to restrict abortion. Then, states became so extreme in their restrictions, it became harder to ignore them. Still, most of us thought the U.S. Supreme Court would continue to protect our rights.

Even after the draft opinion authored by Justice Samuel Alito was leaked, many of us continued in denial.

Then, on June 24, the Supreme Court overruled Roe v Wade and Planned Parenthood v Casey, effectively eliminating abortion rights for tens of millions. Now, a lot of attention is focused on state legislatures to fix it.

In West Virginia, the legal status quo is abortion law so archaic (19th century), vague and convoluted that the sole abortion provider in the state stopped providing services immediately.

A court injunction has restored those services, but that might be temporary. The Legislature is in the process of untangling the law.

Is it possible for those needing abortions — any pregnant West Virginian, including little girls — to find any relief in the legislative chambers of the state Capitol? It's not looking like it now, and recent history backs that up.

Over the past three sessions, the Legislature passed three bills to restrict abortion. One group dedicated to keeping track of such bills publishes details of the votes by legislator. Their accounting reveals:

■ In the 34-member Senate, only seven members voted against any of the bills to restrict abortion; none voted against all three bills.

■ In the 100-member House of Delegates, only 18 members voted against any of the bills to restrict abortion; three voted against all three bills.

Let's be real. Pregnant persons needing abortions in West

Virginia are unlikely to find help from the current Legislature. Based on the recent data, neither caucus has shown any unified regard for protecting abortion rights. Bipartisanship is alive and well in terms of passing laws to restrict abortion. Already, post-Dobbs, the House of Delegates has been characterized publicly as "pro-life" by Speaker Roger Hanshaw, R-Clay.

It is nonsensical to have any individual right depend on state of residence. This only solidifies disparities in abortion access across socioeconomic strata. If the right to abortion health care is to be restored nationally, voting is our only available remedy.

First, we must vote for a Congress to restore abortion rights nationwide. Voting can produce:

■ A reliable pro-choice majority in the U.S. House of Representatives and Senate.

■ A U.S. Senate willing to eliminate the filibuster that enables minority control. A 50-50 split won't do. Individual rights are more important than arcane Senate rules.

■ A Congress willing to consider structural reforms for the Supreme Court to protect the individual rights being dismantled. The court has signaled a willingness not to stop with abortion.

We must also vote for legislators to restore abortion rights state by state. Even a sympathetic Congress would be unlikely to pass a national abortion law that would be as expansive as some state laws. Differences across states would continue. Therefore, embedded anti-abortion majorities in state legislatures like West Virginia's need to be replaced.

In summary, we must vote to fortify Congress; that's the first essential goal. However, we cannot ignore state legislatures.

Achieving these two goals through voting might seem simplistic and unrealistic, but it shouldn't be. Virtually every poll in every state shows that substantial majorities oppose the Dobbs decision. Those majorities just need to turn out and vote like it really matters. Our rights depend on it.

Judy K. Ball is a member of the League of Women Voters of Morgantown-Monongalia County.

Charleston Gazette-Mail,
7/27/2022

LEAGUE BOARD MEMBER LETTERS TO THE EDITOR

This November, vote as if your rights depend on it

Editor:

In July 1776, Thomas Jefferson, representing the Continental Congress, wrote about self-evident truths, including certain inalienable rights — life, liberty, the pursuit of happiness. Inalienable means universal, inviolable. Jefferson never declared those rights could have exceptions across the colonies. That declaration sparked a Revolution.

In June 2022, the Supreme Court plucked the right to abortion out of the Constitution and returned decision making on it to the states. In other words, they declared a right previously in the Constitution need not be universal. Citing legal hogwash, the justices declared it is okay to have rights granted or denied, based on where you live. They summarily discarded a right that tens of millions of Americans had relied on for five decades. Poof! Gone.

My lifetime includes the historic expansion of rights initiated by the Warren Court. Until recently, individual rights have generally expanded. We depended on the Supreme Court to fill that role.

What do we do now, faced with having rights taken away? Another revolution is not in the cards. Neither is a constitutional amendment — abortion may be worthy of one, but the Constitution is designed to prevent its amendment.

Voting is our only practical option.

Congress must be the principal target for our votes. Solid pro-choice majorities in the House of Representatives and Senate could pass a federal law overriding state laws restricting abortion. The Senate must eliminate the filibuster to make that happen.

State legislatures should be targets for our votes too. Unfortunately, in West Virginia it could take several cycles to turn around a rogue Legislature with a well-established commitment to restricting abortion rights. But 2022 is as good a time as any to start.

This November, vote as though your rights depend on it.

Nancy Ulrich
Morgantown

Charleston Gazette-Mail, 9/2/2022

LETTERS

Legislators need to act with compassion on the abortion issue in West Virginia

Editor:

Now that the U.S. Supreme Court has robbed Americans of the ability to make the personal — and intensely private — decision about whether or not to become a parent, West Virginians who can become pregnant are at the mercy of the state Legislature.

The current impasse between the House of Delegates and state Senate on a proposed abortion ban gives legislators a second chance to do the right thing for their constituents. Please stand up for our personal freedom, including reproductive freedom and the right to safe, legal abortion in West Virginia.

We deserve to make health care decisions in consultation with our medical providers, families and faiths — not politicians.

Victims of rape and incest — and those with wanted but doomed pregnancies — deserve compassion. To make no exceptions for these circumstances is cruel and sadistic.

Banning abortion won't eliminate the need for abortion, it will only put essential and potentially lifesaving care out of reach. Relative to the concern for fetal safety and protection, there has been little discussion about the risks of pregnancy, the dangers it poses to a woman's health or the damage it can do, especially to children's bodies.

Don't play politics with peoples' lives. Give thoughtful consideration to what will happen if this bill passes. Trust and listen to medical professionals. Act with empathy and compassion and vote no on House Bill 302.

Julie Archer
Yawkey

Charleston Gazette-Mail 8/19/2022

Calendar

Oct. 15, 2022	LWVWV Board Meeting
Dec. 10, 2022	LWVWV Board Meeting
Jan. 2023 TBD	LWVWV Board Meeting
Jan 12—Mar 12, 2023	WV Legislative Session

LWVWV Questions Congressional Candidates

By Vicki Conner

As a result of the 2020 Census, West Virginia lost a Congressional seat and the state was divided into two districts, essentially a northern and a southern district. For the November General Election, WV has six candidates running to represent the two districts.

District 1 Candidates are:

Belinda Fox-Spencer, Independent; Carol Miller, Republican; (Mr.) Lacy Watson, Democrat

District 2 Candidates are:

Alexander Mooney, Republican; Barry Wendell, Democrat, Susan Buchser-Lochocki, official write-in candidate.

These six candidates have been contacted via email to answer the following questions and have been given a deadline of October 10 to reply. Answers received will be shared with League members for distribution to constituents as appropriate.

U.S. House of Representatives

1. The lack of affordable childcare limits the ability of many families to work. What should Congress do to make high quality, affordable childcare more available for West Virginia families?
2. More and more States are enacting restrictions on abortion, so voters are interested in your position as a candidate for Federal office.
 - Since Roe v Wade was overturned by the Supreme Court, would you vote to codify its provisions into federal law?
 - Even Roe v. Wade contained restrictions on abortion. What restrictions on abortion, if any, should a federal law include? What time limits, if any? What exceptions, if any?
3. What measures would you like to see Congress pass to encourage sustainable energy development?
4. What measures should be taken by States and/or the federal government to ensure American voters have confidence in our elections and to prevent election subversion and sabotage?

Who Has the Authority to Enforce Fair Maps?

By: Nyoka Baker Chapman

Cases now pending on the US Supreme Court docket will determine the ability of State Courts to check unfair redistricting.

According to the Brennan Center for Justice, “*In Moore v. Harper, the Supreme Court will decide whether the North Carolina Supreme Court has the power to strike down the legislature’s illegally gerry-mandered congressional map for violating the North Carolina Constitution.*”

Yet another issue arises in interpretation of the applicant’s request is determining a ruling during the period of a pending election. Quotes from Justices comments on this matter can be reviewed at this website on the timing of the matter. <https://www.law.cornell.edu/supremecourt/text/21A455>

The question presented in Costello v. Carter for resolution by the US Supreme court is “*whether or not the Elections Clause and 2 U.S.C. § 2a(c) constrain the remedial discretion of courts when they impose congressional maps in response to a constitutional violation or an impasse in the state legislature.*” We know that the Elections Clause provides that rules governing the “times, places and manner of holding elections for senators and representatives must be prescribed in each state by the legislature thereof.” https://www.supremecourt.gov/DocketPDF/21/21-1509/226203/20220527113321079_Costello%20v.%20Carter%20Petition%20for%20Writ%20of%20Certiorari%20FINAL%20CORRECTED.pdf

Do State Courts have the authority to harness illegal gerry-mandering of federal election maps and create fairer maps? One would perceive that maps that defy state constitutions without checks and balances could give way to a fully autocratic legislative authority.

A proposed amendment on the ballot of the WV general election on November 8, may hold a key as to what the role of the courts may have in checking legislative actions in WV.

Continued on page 9

Who Has the Authority to Enforce Fair Maps?

Continued from page 8

Amendment No. 1: Clarification of the Judiciary's Role in Impeachment Proceedings Amendment

Summary of Purpose: *“Clarifying that courts have no authority or jurisdiction to intercede or intervene in or interfere with impeachment proceedings of the House of Delegates or the Senate; and specifying that a judgment rendered by the Senate following an impeachment trial is not reviewable by any court of this state.”* <https://sos.wv.gov/elections/Pages/Proposed-Amendments2022.aspx>

As to whether or not a public decision on the referenced ballot measure could be cited in determining the court's role in other matters, including redistricting, would remain to be seen. Checking unconstitutional behavior would seem to be a matter for the courts when partisan legislatures do not adhere to their own laws.

EDUCATION REPORT

By Shirley Rosenbaum

Teachers Required to Inventory Classroom Libraries

Senate Bill 704 requires schools to publish a syllabus so parents know exactly what is being taught. If a parent wishes to view any of the books in her child's room, they can request an appointment with the teacher.

Charter Schools

Charter Schools are tuition-free, independent public schools, and have their own board and charter. The schools are still hiring teachers as they face the same challenges as other public schools. Mon Schools may lose 1 million in funding as students enroll in charter schools. Voters are saying yes to the education levy on the ballot.

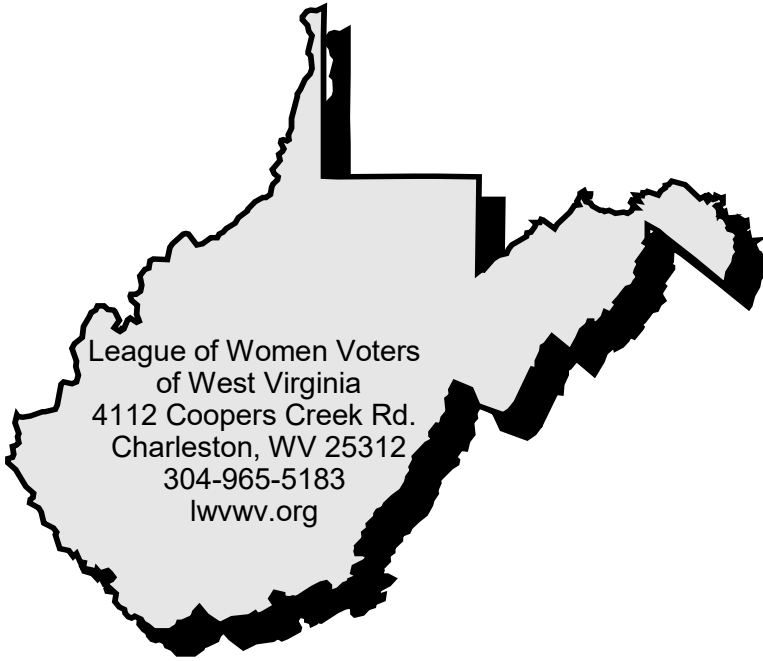
The four WV charter schools have begun as of August. West Virginia Academy opened August 2 for its secondary school and August 8 for its primary school. The other three schools opened on August 22. As of August 24, West Virginia Academy in Morgantown has the highest enrollment with 410 students. Eastern Panhandle Preparatory Academy has 354 enrollments. West Virginia Virtual Academy has 243 enrolled students. And Virtual Prep Academy has 125 enrolled students. This is the first time WV residents have ever had a choice in public education for their students. Both virtual schools are far below the minimum capacity enrollment they projected a year ago, although both operators remain optimistic that this shall change.

The West Virginia Department of Education's charter school application form included these lines: "For the Minimum Capacity Enrollment Matrix, include the fewest number of students the school could enroll and still be financially viable," and "you will be considered financially insolvent if you enroll fewer students than in the Minimum Capacity Enrollment Matrix and be required to surrender your charter." Adam Kissel, chairman of the state Professional Charter School Board that authorized these charters to open wrote "If a school is under its projected minimum, it just sends a new budget showing that it is financially viable at the lower enrollment. We can amend the charter on that basis. There is not a deadline for that. I am not concerned about virtual schools on this matter."

Recently, Mountain State Justice indicated it will challenge the Hope Scholarship, House Bill 2013, on the West Virginia Constitution's section restricting some kinds of laws the Legislature can pass. In this case, the organization contends the law "excludes anti-discrimination protections otherwise protected under state laws." Moreover, Mountain State Justice contends the Legislature is in breach of its constitutional obligations "by failing to scrutinize the adequacy of the school aid formula, particularly given the financial impact" of the two laws. The Hope Scholarship would allow students leaving the public school system to use \$4,600 — based on the most recent school funding formula numbers — for a variety of education costs.

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Teresa Koon
 Editor

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