



THE WEST VIRGINIA VOTER

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Legislative Update

By Marilyn McGeorge, Helen Gibbins and Kathy Stoltz

The 2012 session of the WV Legislature was not a productive one for the League's priorities and positions. Energy conservation was not addressed. Future transition to renewable energy sources was not considered. Fairness in insurance for dependents needing maternity and contraceptive services failed.

However, a piece of good news for supporters of voters' rights was the failure of a bill that would require voters to show a photo ID at the polls. There is little or no evidence that this "solution in search of a problem" would accomplish anything more than suppressing turnout among voters least likely to have a state-issued photo ID – the elderly, the poor, and minorities.

Among the bad news is that a bill to extend the term of the pilot project offering public financing for candidates for the Supreme Court of Appeals beyond this year's elections was not passed. This year one of the eight primary election candidates for the court has opted to participate in public financing. An extension would have allowed a longer trial period for the pilot program.

Two election law bills that are awaiting the governor's signature did pass. One would allow a longer voter registration period for persons temporarily working overseas, such as members of the military. The other provides for confidentiality on the state-wide voter registry regarding the whereabouts of certain people, such as victims of domestic violence.

On energy, SB 162 and HB 4646, requiring electric utilities to implement least cost plans, died in committee, as did HB 4363, or the "West Virginia Energy Efficiency Act." This would have promoted energy

efficiency resource standards for electric and gas utilities. HB 2741, which would have exempted the construction or addition of active solar energy systems from real and personal taxation, did not pass. However, HB 2740, which generally prohibits restrictions on solar energy installations, passed and is awaiting the Governor's signature.

On health and insurance, SB 194 and HB 4076, requiring health insurers to cover maternity and contraceptive services for dependents, died in committee. However, SB 489, limiting health insurance coverage for elective abortions to supplemental policies, also failed to pass.

SB 182, establishing a fund from a percentage of oil and natural gas severance taxes to meet future needs of the state of WV, did not pass out of committee.

HB 4074, the Complete Streets Bill, giving bicycle, pedestrian and transit ways full consideration in the planning and development and redevelopment of state roads, railways and waterways, did not pass.

On Marcellus shale drilling for natural gas: In December, legislation called "The Horizontal Well Act" was passed by both houses of the WV legislature and signed by Governor Tomblin into law. This bill provides some regulatory framework, but does not address many possible risks to air, water supply, and landowner losses. For instance, although a horizontal well can require 4 to 6 million gallons of water to be forced underground, the flowback disposal of this dangerously polluted water is not addressed in specific terms.

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The League supported several bills that would have addressed these problems, including HB 4267 and 4265. The purpose of HB 4267 was to study the impact of shale gas development on human and environmental health. HB 4265 required flowback plans for all work on oil and gas wells; required a flowback tank with a closed loop system that prevents the release of volatile organic compounds and fugitive pollutants into the environment; permitted flowback pits to only be used under certain conditions; and required the proper disposal of drilling mud.

A bill that came alive in the last days of the legislative session is one that the League has supported in past years. SB 76, the "Green Buildings Act," requires new facility projects of public agencies and projects receiving state funds to be designed and constructed to comply with the International Energy Conservation Code adopted by the State Fire Marshal and the ANSI/ASHRAE/IESNA Standard 90 1-2007. Conservation of energy is one of the League's priorities.

Voters' Guide on website

As the May 8 Primary Election date draws closer, check the LWVWV website for the Voters' Guide for statewide and Congressional candidates.

Huntington League program nominated

The Huntington League's Constitution Day program for high school students has been nominated for an award at the LWVUS convention in June. We wish them luck!

*The League of Women Voters
promotes political responsibility
through informed and
active participation in
government and acts on
selected governmental issues.*

Council and State Board Meeting

The 2012 LWVWV Council/State Board Meeting will be held Saturday, April 14, at Panera Bread located at Exit 119 off I-79 (Clarksburg/Bridgeport).

The Council portion of the meeting will convene at 10:00 a.m. and last no longer than an hour. Council is the time for local League representatives and members-at-large to gather and exchange ideas, vote on the LWVWV budget for the coming year, give direction for national convention, and let the state board know what it can do to help local Leagues and members-at-large.

LWVWV bylaws provide for the following number of local League delegates at council: the president (or alternate) plus two delegates from each local League. Visitors are all others in attendance. Only delegates have voting privileges. There must be representation from at least three local Leagues.

The state board will cover the cost of lunch.

LWVWV Proposed Budget 2012-2013

Income

Member Dues	2908.00
Reserves	5032.00
Trust	1500.00
Stern/Lloyd Education Fund	2000.00
Interest/Other	420.00
TOTAL	\$11,860.00

Expenditures

General Administration	2500.00
Board/Administrative Comm.	1805.00
National Council/Convention	2000.00
PMP for MALs	960.00
Voter	1445.00
Educational	250.00
Position Support	850.00
Stern/Lloyd Fund Grants	2000.00
Endowment Trust Expenses	50.00
TOTAL	\$11,860.00

VOTE in the May 8 Primary Election

VOTER REGISTRATION

Deadline - April 17

You may register to vote if you will be 18 by the November 6 General Election.

DID YOU REGISTER ON A CARD?

If yes, you will need ID at the polls **only** the first time you vote.

ID Accepted - Only One Is Needed

- Driver's License
- State Issued ID
- Utility bill, bank statement, government check, paycheck, or other government check or document with **name and current address on it**
- Veteran's ID

PLACES TO REGISTER

- Voters' Registration Office, Courthouse
- DMV offices through the Motor Voter program
- Public assistance offices
- Agencies who serve people with disabilities
- Marriage license offices (at your County Clerk's office)
- Military recruiting offices

AT THE POLLS

You do not need to vote in all of the races.

If you did not register in a party, you can still ask for either a Republican or Democrat ballot in the Primary Election.

OFFICES ON THE BALLOT

- US Offices – President, Senator, House of Representatives
- Political Parties - Delegates to National Conventions
- Statewide – Governor, Justices of the Supreme Court, Secretary of State, Treasurer, Auditor, Attorney General, Commissioner of Agriculture
- Legislature – Senators and Delegates
- County – Board of Education, Assessor, County Commissioner, Judge, Prosecuting Attorney, Sheriff, Magistrates, Surveyor, Conservation District Supervisor
- Municipal Elections – Some cities

EARLY VOTING – April 25 - May 5: Call your County Clerk's Office for times and locations.

ABSENTEE VOTING – (From home or out of the county) Call your County Clerk's Office for an application for a ballot.

Prepared Helen Gibbins



Earth Day Thoughts April 22

The wealth of the nation is its air, water, soil, forests, minerals, rivers, lakes, oceans, scenic beauty, wildlife habitats and biodiversity... that's all there is. That's the whole economy. That's where all the economic activity and jobs come from. These biological systems are the sustaining wealth of the world. - Gaylord Nelson (Earth Day founder)

Until a man duplicates a blade of grass, Nature can laugh at his so-called scientific knowledge. Remedies from chemicals will never stand in favorable comparison with the products of Nature, the living cell of a plant, the final result of the rays of the sun, the mother of all life. - Thomas Alva Edison

Stop Junk Mail

- Keep trees in the forest. More than 100 million trees are destroyed each year to produce junk mail. 42% of timber harvested nationwide becomes pulpwood for paper.
- Reduce global warming. The world's temperate forests absorb 2 billion tons of carbon annually. Creating and shipping junk mail produces more greenhouse gas emissions than 9 million cars.
- Save water. About 28 billion gallons of water are wasted to produce and recycle junk each year.
- Save time. You waste about 70 hours a year dealing with junk mail.

LWVUS PMP Proposal

At Convention two years ago, the LWVUS Board agreed to examine the PMP system with a view to making cost sharing from the local to the national level more equitable and predictable. While national PMP represents the majority of the dues collected at the local level, it is an ever dwindling proportion of the national budget because of the decline in membership. The good news is that the combined efforts of all levels of League in the form of the Member and Leadership Development initiative (MLD, formerly the MRI) is beginning to show real progress, but that progress is slow and incremental. A decline in membership produces the twin results of a diminished national budget and increased demand for national support to the state and local Leagues.

LWVUS has spent months researching funding options most likely to meet both national and local League budget needs. The approach in the proposed budget is to index PMP to the cost of living adjustment (COLA) used by the Social Security Administration. There are several advantages to this approach. First, since the Social Security COLA keeps pace with inflation, it does not always rise. Second, it is widely recognized as a fair reflection of the rate of inflation across the country. Finally, because it is well published in the fourth quarter of the prior year, it gives Leagues as much notice as possible of any potential rise in PMP.

Applying the COLA to the 2012-2013 year of the budget, therefore, results in a 3.6 percent increase in PMP, which has been rounded off to an increase of \$1.00 to \$31.00. If approved at Convention, the PMP for 2013-14 will rise, or not, depending on the COLA announced in December 2012.

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lww.org

League Supports Introduction of DISCLOSE Act in US Senate

On March 21, 2012, the LWVUS and many other organizations sent the following letter in support of the DISCLOSE Act to all US Senators:

Our organizations support the DISCLOSE Act introduced today by Senator Sheldon Whitehouse (D-RI) and a number of other Senators. We strongly urge Senators to promptly consider and pass this essential campaign finance disclosure legislation.

The organizations include: Americans for Campaign Finance Reform, the Brennan Center for Justice, the Campaign Legal Center, Citizens for Responsibility and Ethics in Washington, Common Cause, Democracy 21, the League of Women Voters, People For the American Way, Public Citizen and the Sunlight Foundation.

It is a cardinal principle of campaign finance laws that citizens have a basic right to know about the expenditures being made to influence their votes and the donors funding these expenditures.

In the wake of the *Citizens United* decision, however, more than \$135 million in secret contributions were spent to influence the 2010 congressional races. This amount of secret money is expected to greatly increase in the 2012 national elections, absent new disclosure provisions.

The Supreme Court has repeatedly supported the constitutionality and importance of campaign finance disclosure laws. In *Citizens United*, the Supreme Court by an 8 to 1 vote upheld disclosure laws for outside groups making campaign-related expenditures stating:

The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

The *Citizens United* decision, however, combined with ineffective FEC disclosure regulations to open gaping loopholes in the campaign finance disclosure laws.

The DISCLOSE Act closes these loopholes with effective new disclosure requirements.

Unlike the DISCLOSE Act considered in 2010, the legislation introduced today focuses solely on disclosure provisions and does not contain any special exceptions for any group. The legislation also fixes the problem of untimely disclosure of donors to Super PACs that surfaced during the 2012 presidential primaries.

Polls show overwhelming public support for disclosure by outside spending groups and there are no legitimate policy or constitutional grounds for opposing the DISCLOSE Act. We strongly urge Senators to support the new DISCLOSE Act and to take all necessary steps to promptly enact the legislation.

LWVUS does not support constitutional amendment to address *Citizens United*

Many Leagues around the country have called for the LWVUS to support a constitutional amendment to reverse the *Citizens United* ruling. At its January board meeting, the national board determined that the League is not in a position, at this time, to support a Constitutional amendment in this area or the efforts currently underway to encourage state legislatures to adopt resolutions in support of a Constitutional amendment. The Board concluded that too many questions about this approach remained unanswered. The Supreme Court in *Citizens United* used several well-established legal concepts to create an elections funding formula that leaves a legal tangle among “independent” expenditures, so-called corporate free speech, freedom of the press and the meaning of “person” under the Constitution. Constitutional solutions will have implications beyond campaign finance.

The LWVUS board did approve the creation of a Campaign Finance Reform Task Force, as well as making the issue a legislative priority. The Task Force will be charged with exploring interim and long term solutions for the purpose of educating members and the public. The 2012 election provides an ideal opportunity to raise awareness of the implications of unlimited money in elections and to advocate for the reforms that can be achieved legislatively, including improved disclosure and tighter limitations on what constitutes an “independent” expenditure.

State and local Leagues across the country continue to press the LWVUS board to support a constitutional amendment and are planning caucuses at national convention in June to educate members and promote their cause.

Susan Watkins
President and Editor



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Calendar

- April 14 LWVWV Council & Board Meeting
- April 17 Deadline to register to vote in May primary
- April 22 Earth Day
- April 25 - May 5 Early voting period; check with your County Clerk's Office for times and locations
- May 8 Primary Election
- June 8-11 LWVUS Convention, Washington, DC

JOIN THE LEAGUE! The League of Women Voters is a nonpartisan organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. **If you live in Cabell, Jefferson, Monongalia, or Wood County, please contact the local League in those counties.** To join at the state level, send a check or money order payable to LWVWV to: Teresa Koon, Treasurer, LWVWV, 4112 Coopers Creek Road, Charleston WV 25312. Dues are \$40 for individuals, \$60 for a household, and \$20 for students. Because we are a lobbying organization, membership dues are not tax-deductible.

Name(s) _____ Phone _____
 Address _____ E-mail _____
 City _____ State _____ Zip Code _____