



THE WEST VIRGINIA VOTER

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Constitutional Amendment on the November 4 ballot

By: Kathy Stoltz

A constitutional amendment will appear on the ballot as follows:

AMENDMENT NO. 1: NONPROFIT YOUTH ORGANIZATION TAX EXEMPTION SUPPORT AMENDMENT

Summary of Purpose: *To amend the State Constitution to exempt from property tax certain properties in this state owned by nonprofit youth organizations and built at cost of at least \$100 million whether or not the property is used for the nonprofit youth organization's charitable or nonprofit purpose to help raise funds for the benefit of the nonprofit youth organization. If approved, the Legislature would be required to enact laws that would protect local and regional businesses from unfair competition and unreasonable loss of revenue caused by the nonprofit organization use of the tax exemption.*

This amendment is proposed specifically to allow the Boy Scouts of America to rent out facilities at its Bechtel National Scout Reserve in Fayette County for commercial events such as concerts and sports competitions without losing its exemption from property taxes. The facility is currently used for the Boy Scout Jamboree every four years and for other scouting events at other times. Under current law, renting the facilities for commercial events would make it a commercial business owing as much as \$5 million in property taxes.

Proponents of the amendment see it as welcome economic development, pointing to the amount of money that events at the reserve would bring into the local economy and to the organization's stated intention not to compete with local businesses.

Opponents are concerned about the precedent set by an amendment applying to only one entity and question whether it's possible for the Legislature to craft laws that protect local businesses.

Local Leagues In Action

By Nancy Novak

Election season is upon us and West Virginia's leagues are busy holding meet-the-candidate nights, preparing written or online voters' guides and registering voters. If you live near a local league, you may have the chance to meet the candidates in person, but if not, check out the state website www.lwvwwv.org which has abundant helpful election information.

The Huntington League has really "racked up the numbers" this fall by holding 3 voter registration drives and 3 candidate nights in addition to cooperating with the Huntington Herald Dispatch to publish a Voters Guide. As a fun and teaching event, several of their members are getting together to present a skit at their community college on the Right to Vote.

The Jefferson County League registered voters at their public library, and also at a community health center, which serves lower income families and also has large Spanish speaking clientele. They are hosting candidate forums in the week of October 12th, and in November they will have breakfast with their legislators. The group congratulated member Tina Burns on her recent recognition as "Woman of Distinction" by the Potomac Valley Girl Scouts Council.

The Morgantown League held two candidate forums and registered voters at their farmers market. They also published a Government Officials Roster. Congratulations to Morgantown president Jonathan Rosenbaum for receiving the Volunteer of the Year Award on behalf of the organization Positive Spin.

The Wood County League is hosting 2 candidate nights and has prepared a Voters Guide to be published in the Parkersburg News. They updated their Government Officials Roster which is distributed by the hundreds around the county. Congratulations are offered to members Wayne and Kay Dunn, who received the Don Marsh Public Service Award from Citizens Action Group.

VOTERS GUIDE

All candidates were sent questionnaires and follow-up reminders of the deadline.

Responses are printed as received without corrections and are cut off when word limits were exceeded.

Office: United States Senate
Name: Bob Henry Baber
Party: Mountain
County of Residence: Gilmer

Biography: I am the father of four children. As Mayor of Richwood I secured 5 million in grants to clean up the Cherry River and promote tourism and jobs. I am a Kellogg Fellow, a recipient of a National Wilderness Society Hero Award, and a widely recognized Appalachian artist and writer. As a Professor of English, I directed the WV Veterans (exceeded word limit)

1. What action by Congress would you favor to address concerns about the environmental effects of natural gas extraction, particularly the process of fracking?

In God We Trust—all others we scrutinize. Frackers should have disclose all chemicals used in the process, where they draw from, and dispose of, water used, and report where they are dumping radioactive tailings.

2. Do you favor legislation to amend the Voting Rights Act to prevent states from adopting restrictive laws that make registering and voting difficult for large numbers of legally eligible voters? Explain.

I support increasing Voting Rights and including legitimate balloted candidates in debates. I have been barred from the October 7th “Fake Debate” between Capito and Tennant. This is undemocratic and insulting to the voters of WV. Big money in contaminating our elections.

3. What measures would you support to address the growing income disparity among Americans?

Raise the minimum wage to \$10 per hour, which will stimulate the economy and assist the working poor. We need to promote education from Headstart through college and keep the Pell grant program intact. Vocational education programs tied to industries’ needs (and societies, re: carpenters, plumbers, etc.) should be vigorously promoted. We should not subsidize exporting jobs overseas.

Office: United States Senate
Name: John S. Buckley
Party: Libertarian
County of Residence: Hardy

Biography: Former Member, Virginia House of Delegates, 1980-81; retired from United States Court of Federal Claims, Acting Clerk of Court, Chief of Staff to Chief Judge; Electoral College, 1980, pledged to Ronald Reagan; Homeowner, Hardy County, WV, since 2002; native of New Orleans, Louisiana; J.D., College of William and Mary; 10-time marathon finisher; for more information, see JohnBuckley.org.

1. What action by Congress would you favor to address concerns about the environmental effects of natural gas extraction, particularly the process of fracking?

We do not need new laws, especially at the federal level, to vindicate property rights violations that may arise from natural gas extraction. Regulatory agencies invariably get “captured” by the very interests they were created to monitor. A vigorous judiciary, attentive to the property rights of those injured by environmental degradation, can best protect private and public interests.

2. Do you favor legislation to amend the Voting Rights Act to prevent states from adopting restrictive laws that make registering and voting difficult for large numbers of legally eligible voters? Explain.

Such legislation is unnecessary. Of course registration and voting should be kept simple, just as photo identification should be required to ensure voting integrity. While we’re on the subject of elections: 1) debates on public television should include all candidates on the ballot; 2) voters, don’t waste your vote on someone you don’t really like just to stop someone else.

3. What measures would you support to address the growing income disparity among Americans?

No more corporate bail-outs and subsidies, no crony capitalism. Big Government paternalism is inevitably the path to prosperity for the well-connected in the name of serving the poor. The “War on Poverty” has enriched a lot of bureaucrats, but ensnared millions of Americans in the trap of government dependency. Free enterprise facilitates upward mobility.

VOTERS GUIDE continued

Office: United States Senate
Name: Shelley Moore Capito
Party: Republican
County of Residence: Kanawha

Candidate did not reply

Office: United States Senate
Name: Phil Hurol
Party: Constitution
County of Residence: Randolph

Candidate did not reply

Office: United States Senate
Name: Natalie Tennant
Party: Democratic
County of Residence: Kanawha

Biography: Growing up as the youngest of seven on our family farm, I learned how to do more with less. I brought those West Virginia values to the Secretary of State's office, where I cut the budget and gave \$3 million back to taxpayers. I'm running to bring those values to the Senate and put West Virginia first - www.natalietennant.com.

1. What action by Congress would you favor to address concerns about the environmental effects of natural gas extraction, particularly the process of fracking?

I support our booming natural gas industry and I know we can grow natural gas jobs safely and responsibly with input from local communities. We must also find ways to create even more jobs using our natural gas right here in West Virginia after it's extracted. Bringing cracker plants to West Virginia is the first step.

2. Do you favor legislation to amend the Voting Rights Act to prevent states from adopting restrictive laws that make registering and voting difficult for large numbers of legally eligible voters? Explain

Generations of veterans have fought to defend our democracy, including the right to vote. As Secretary of State, I have worked hard to make sure that all eligible West Virginians have the opportunity to have their voice heard and cast a ballot. I oppose laws that stand in the way of legally eligible Americans exercising their right to vote.

3. What measures would you support to address the growing income disparity among Americans?

Anyone who works 40 hours a week should be able to put food on the table. It's time for Washington to follow West Virginia's lead and raise the minimum wage. I will also work to end tax breaks for corporations that ship jobs overseas and invest in giving American workers the quality education and job training they need to succeed.

Office: United States Congress, 1st Congressional District
Name: Glen Gainer
Party: Democratic
County of Residence: Wood

Biography: Glen has served as West Virginia's Auditor since 1992. His focus on common-sense, bipartisan solutions saved West Virginia families hundreds of millions in tax dollars and upgraded the state's bond rating during tough economic times. He introduced a direct deposit payroll system that reduced costs and saved money; created accountability measures and training programs to ensure bills were paid on time.

1. What action by Congress would you favor to address concerns about the environmental effects of natural gas extraction, particularly the process of fracking?

It is vital that we work with and support the emerging natural gas industry as this means new jobs and tax revenue for West Virginia. In doing so we do have to be mindful of any potential environmental impacts resulting from the tracking process. This means partnering with the industry to ensure safety standards are maintained rather than imposing burdensome (exceeded word limit)

2. Do you favor legislation to amend the Voting Rights Act to prevent states from adopting restrictive laws that make registering and voting difficult for large numbers of legally eligible voters? Explain.

Yes, the right to vote is fundamental to our democracy and states should in no way be permitted to enact laws which restrict the rights of legally eligible voters.

3. What measures would you support to address the growing income disparity among Americans?

The first thing we need to do is raise the minimum wage in this country. Doing so will help lift countless working West Virginian's out of poverty and help them support their families. We also need to make every effort to support local businesses, helping them grow and create jobs here in our communities.

VOTERS GUIDE continued

Office: United States Congress, 1st Congressional District
Name: David McKinley
Party: Republican
County of Residence: Ohio

Candidate did not reply

People want to work but the current system rewards people for not working. Our economy has been severely damage by too much government regulation and interference. The federal government can correct this problem through tax cuts, deregulation, and decentralization. Our bad economy and income disparity is directly linked to too much government.

Office: United States Congress, 2nd Congressional District
Name: Nick Casey
Party: Democratic
County of Residence: Kanawha

Candidate did not reply

Office: United States Congress, 2nd Congressional District
Name: Alex Mooney
Party: Republican
County of Residence: Jefferson

Candidate did not reply

Office: United States Congress, 2nd Congressional District
Name: Davy Jones
Party: Libertarian
County of Residence: Berkeley

Biography: My family hails from Oak Hill, WV. My Grand fathers were both coal miners. I have a Computer Science degree and have worked in the computer industry for over 20 years. I currently work as a network engineer and I am a National Guard veteran. I am running for office because I am concerned about the country my children will inherit.

1. What action by Congress would you favor to address concerns about the environmental effects of natural gas extraction, particularly the process of fracking?

We must restore property rights to the people. The EPA only fines it doesn't compensate the victims of pollution. We must also remove the "corporate shield" from those who purposely or through negligence pollute. By removing this barrier then they can be held personally responsible and would be much more diligent in managing their company.

2. Do you favor legislation to amend the Voting Rights Act to prevent states from adopting restrictive laws that make registering and voting difficult for large numbers of legally eligible voters? Explain.

The biggest problem our country faces in voting today is voter fraud. We must be more diligent to insure all elections are performed in a fair and balance way. We must insist on voter photo identification to ensure voting integrity; and reform of laws that infringe on independents and third-parties from full participation in the electoral process.

3. What measures would you support to address the growing income disparity among Americans?

Office: United States Congress, 2nd Congressional District
Name: Ed Rabel
Party: Independent
County of Residence: Lincoln

Candidate did not reply

Office: United States Congress, 3rd Congressional District
Name: Evan Jenkins
Party: Republican
County of Residence: Cabell

Biography: I've had the privilege of representing the citizens of Cabell and Wayne counties in the legislature. Working together, in a bipartisan manner, we've cut taxes, balanced the state budget, reduced the state's unfunded liabilities, attracted jobs, supported education and fought for quality health care. My wife and I have three children and live in Huntington. www.evanjenkins.com

1. What action by Congress would you favor to address concerns about the environmental effects of natural gas extraction, particularly the process of fracking?

West Virginia is an energy producing state that powers America. Unfortunately, the Obama/Rahall Carbon Tax is a 'War on Coal' and causing thousands of West Virginians to lose their jobs. I'll never turn my back on hard working West Virginians. Gas exploration is growing and I support an 'all of the above' energy that creates jobs and protects the environment.

Continued on next page.

Jenkins continued:

2. Do you favor legislation to amend the Voting Rights Act to prevent states from adopting restrictive laws that make registering and voting difficult for large numbers of legally eligible voters? Explain.

I firmly believe every law-abiding American citizen has a constitutionally protected and guaranteed right to vote that must not be infringed upon or limited. I have helped lead the effort at the state level to enact early voting laws to make voting more convenient. But we must also be proactive to rid our elections of voter fraud and corruption.

3. What measures would you support to address the growing income disparity among Americans?

Over 46 million Americans live in poverty. While, investment in education and workforce training is critically important, we must stop Washington’s attack on our jobs and economic opportunity. The current administration’s war on our natural resource industry is devastating the livelihood of thousands of hardworking West Virginians. The war on poverty starts when Washington ends its attack on our jobs.

Office: United States Congress, 3rd Congressional District
Name: Nick Joe Rahall, II
Party: Democratic
County of Residence: Raleigh

Biography: A native West Virginian, Rahall, the top Transportation and Infrastructure Committee Democrat, uses experience and expertise building successes like Pullman Square and the Merritt’s Creek Connector. Bringing millions of dollars to WV, Rahall’s creating jobs through transportation, tourism, technology, mine reclamation and water wastewater services. Rahall fights for veterans, seniors, education, workers, coal miners, black lung, mine health and safety.

1. What action by Congress would you favor to address concerns about the environmental effects of natural gas extraction, particularly the process of fracking?

Natural gas holds great promise for our economy as long as we strike that balance between development and protecting our lands and drinking water. I support Federal efforts that aid the State’s direct oversight of hydraulic fracturing – for example, I support ensuring public transparency and requiring disclosure of the chemical make-up of fracking fluids – just like West Virginia’s regulations.

2. Do you favor legislation to amend the Voting Rights Act to prevent states from adopting restrictive laws that make registering and voting difficult for large numbers of legally eligible voters? Explain.

Access to voting box is a fundamental right of our Constitutional system that must not be infringed. I have urged the House Leadership to consider the Voting Rights Amendments Act, which would restore safeguards against discrimination that were nullified by the Supreme Court’s decision in Shelby County v. Holder.

3. What measures would you support to address the growing income disparity among Americans?

A strong safety net and fairer minimum wage, when combined with economic development and infrastructure investments to build our State’s highways, and schools, and broadband, and water and sewer systems – these things, I am firmly convinced, can alleviate economic hardship, reduce income inequality, and create a brighter future for West Virginia.

LIBRARY ALERT

By Priscilla Haden

The West Virginia League of Women Voters put forth a study of public library funding in West Virginia 2013-2014. The study was sent to local leagues in March 2014. Input of local leagues was received at the state level in October 2014. A consensus will be formulated by the Board of Directors sometime thereafter.

The Kanawha County Public Library System is a current example of funding problems. The West Virginia Supreme Court of Appeals in February of 2013 declared that special acts of the Legislature that mandated eleven county Boards of Education fund their libraries was unconstitutional. The Court also challenged the legislature to arrive at a statewide system of local funding of public libraries. Ten counties’ Boards of Education continued to fund their libraries but Kanawha County did not.

In November of 2013 the voters of Kanawha county strongly defeated a levy that would have funded the Kanawha County Public Library system AND the Kanawha County School system. Many felt the levy would have passed if the Kanawha County Board of Education had not added substantial amounts of dollars for their purposes.

The Board of Education then agreed to put a 3 million dollar levy on the November 4, 2014 ballot. This amount is 40 percent of their library’s total budget and would replace the funds lost through the Supreme Court decision.

Whatever consensus is arrived at by the West Virginia League of Women Voters to better finance the public library system, I believe it is essential the Kanawha County Library Levy pass.

NATURAL RESOURCES UPDATE

By Helen Gibbins

ABOVEGROUND STORAGE TANK ACT INTERPRETIVE RULE (Source - WV Rivers Coalition's website)

The WV Department of Environmental Protection (DEP) issued a draft interpretive rule on the Aboveground Storage Tank Act (AST) section of the 2014 passed Water Resources Protection Act, SB 373. The deadline for comments is October 9. The draft interpretive rule can be accessed on the DEP's website. The purpose of the interpretive rule (a temporary rule) is to give guidance on the law until an emergency rule is finalized.

The interpretive rule classifies the storage tanks into three categories:

Level 1 - high risk and meets one or more of the following

- Is located close to a drinking water intake
- Contains hazardous substances
- Has a capacity of 50,000 gallons or more
- Is determined to exhibit a potential for high risk harm to public health or the environment.

Level 2 - lesser risk than Level 1 and does not qualify as either Level 1 or Level 3.

Level 3 - low risk

- Not level 1
- Is subject to strict regulations under another program
- Examples - AST's containing potable water, filtered surface water, demineralized water, non-contact cooking water or water stored for fire or emergency purposes, food or food-grade materials.

Requirements for inspections and certification, as well as Initial Submission of Spill Prevention Response Plans, will be more stringent for Level 1 ASTs.

The deadline for comments on the **emergency** rule is October 24. It will have to be approved by the legislature.

ACTION TAKEN BY THE WATER POLICY WORK GROUP (A coalition of organizations and individuals dedicated to protecting our water; includes the LWVWV)

- **Water Quality Standards** - Letter to the DEP in support of removing the Kanawha River's main stem's **exemption** from the Water Use Category A (drinking water). Our letter also asked for enough resources to ensure that Category A will be met in the Kanawha River.
- **Public Water Systems Rule - 64 CSR 3** - A letter was sent to the Bureau of Public Health. The main thrust of the letter is to support the protection of source waters for drinking water intakes in order to protect public health and safety as

well as the availability of economic development opportunities in WV. Estimated number of public water systems- 124.

COURT CASES (See *Highlands Voice*, August, for more information)

Recently there have been several court cases on mountain top removal mining that affect water quality and health in communities near the mining sites.

In June a federal court ruled that conductivity pollution is causing harm to streams that receive that pollution..."the chemical and biological components of the aquatic ecosystems found in Laurel Creek and Robinson Run have been significantly adversely affected by the Defendant's discharges."

A federal court also ruled that a mining company that discharged selenium violated the Clean Water Act.

Another case did not go so well. A court ruled that the Corps of Engineers did not have to consider the effects on the health of those who live near a proposed big strip mine. (See *Highlands Voice*, September)

PIPELINE PROPOSAL (From *Highlands Voice*, September issue)

Dominion Resources has proposed to build a pipeline for carrying natural gas through West Virginia, to connect to a North Carolina's Duke Energy facility. Those who object to the pipeline cite the potential for damage to streams and wetlands, landowners rights, and decreased property values.

The Federal Energy Regulatory Commission (FERC) must approve the proposal. "If FERC approves the pipeline, Dominion may go to federal court and ask for eminent domain to acquire rights of way that landowners are unwilling to grant."

ENVIRONMENTAL ADVOCATE

Wendy Radcliff, is the new environmental advocate at the WV Department of Environmental Protection (DEP). "The Environmental Advocate handles requests or complaints on the office's toll free telephone. Wendy will answer questions about the public comment process; how to appeal agency decisions; how to file a Freedom of Information Act (FOIA) request; and the best method for getting agency attention for a community problem." Contact (800) 654-5227 ext.1328.

The Environmental Advocate's office publishes a "Citizen's Guide" on the DEP's website. It provides information on the DEP's offices, processes for taking action, and a glossary.

THANKS AGAIN TO THE LIBRARY STUDY ORGANIZERS

West Virginia's league members have just sent in their responses to the Study of Public Library Financing, and it will be tabulated with the result announced in November. Every member was given the opportunity to respond, either in their local league or by mail. I would like to thank the Library Study committee, including Carolyn Watson in Jefferson County, Betty Barrett and Helen Gibbins in Huntington, Susan Watkins, Priscilla Haden and Karen Lukens in Charleston, and Kathy Stoltz and Nancy Novak in Parkersburg. We wish to express great appreciation to Judy Rule, Library Director for Cabell County, and to Karen Goff, Secretary of the WV Library Commission.

The LWVWV board of directors bids farewell to Carolyn Watson, who will be moving to Florida. She headed up the Library Study, and served as vice-president for the Jefferson County League. We wish her the best.

IN MEMORIAM

Patricia A. Block, 77 of New Martinsville, passed away May 19, 2014 at home. Pat was a founding member of the League of Women Voters of New Martinsville and served as president from March 9, 1965 to April 27, 1967. Pat was a former teacher, editor of the Wetzel Chronicle for many years, the local newspaper for Wetzel County, and at the end of her working career was a public relations specialist for WV Northern Community College in New Martinsville. She was the first woman elected to the Wetzel County Board of Education, a charter member of the WV Northern Community College Friends of the College, and ArtsLink, the arts council of Wetzel and Tyler counties. Pat served on the first operating committee that restored the Lincoln Theater. In 2003, she was honored as "Citizen of the Year" by the Greater New Martinsville Chamber of Commerce.

CONVENTION REPORT

By Conni Gratop Lewis

One excellent reason to participate in the League's national convention is to surround yourself with dynamic women (and a few men) who are determined to make our country live up to its potential. So I really appreciated the invitation to participate this year.

While the League's membership has dropped since my last convention in the 1990's, the energy remains the same. And of course the convention attendance has also

dropped, perhaps by half. This did not diminish the quality of the convention. Speakers and entertainers were outstanding. The Dallas LWV was an excellent host. The Omni is a wonderful, if pricey hotel. But that's not why people continue to attend. They attend because the League remains an important part of the American political landscape. The debates reflected this. The policy direction reflects this. The continued single minded focus on voting rights reflect this.

As an example, the League addressed the issue of ex-felons' loss of voting rights. The debate was spirited. I was so proud to be a part of the organization. It appears that efforts to restrict voting rights in many states provides an opportunity for state Leagues to step up, do the right thing, and grow their membership. Florida is an excellent example of turning adversity into growth.

And we adopted a position on human trafficking. A strong position on global warming did not receive enough votes to be adopted, although work will continue at the national and state levels. We even had a contested election for LWV president. In the end, Elizabeth McNamara was re-elected and was gracious in victory, and Deidra Macnab was gracious in defeat. If only the people who hold positions of responsibility in our government could do the same, what a difference it would make.

2014 ELECTION DATES

Early Voting

October 22—November 1

Early Voting is open during regular business hours at each county courthouse or courthouse annex. Early Voting is also available each Saturday from 9:00am to 5:00pm.

Absentee Voting

January 1—October 29

Uniformed and Overseas Voters may apply to receive an absentee ballot by mail or electronically.

August 12—October 29

All other eligible voters may apply to receive an absentee ballot by mail.

General Election Day

November 4

Polls are open 6:30am through 7:30pm.

BOARD OF DIRECTORS MEETING

The WV League board of directors will meet in Bridgeport on November 8, 2014. Any League member may attend. If interested, please contact NnovakWv@gmail.com.

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Teresa Koon
 Editor

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www.lwvv.org

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 LWVW to: Teresa Koon, Treasurer, LWVW, 4112 Coopers Creek Rd., 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.

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