



THE WEST VIRGINIA VOTER

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PRESIDENT'S REPORT

By Jonathan Rosenbaum

Voting is the foundation the League is built on. Nearly one hundred years since the formation of the League, and the passage of the 19th Amendment, we are busy working on events with partners to bring awareness to that history, and the future so delicately intertwined with the past.

What will the next hundred years look like for the League?

The battle to defend democracy will continue with ferocity. When the Supreme Court ruled on June 27, 2019 that the federal courts are powerless to hear challenges to partisan gerrymandering, the League quickly responded with the formation of the People Powered Fair Maps campaign that is discussed in detail at <https://www.lwv.org/league-management/people-powered-fair-mapstm-tele-town-hall>. The WV League has enthusiastically signed onto this campaign, designating board member Julie Archer as our state representative; she will soon be attending National training; additionally, we are exploring an exciting online software tool to educate the public about the complexities of redistricting.

One hundred years ago, it is unlikely the founders could have envisioned the world we now live in. Would they have ever imagined the challenges of Climate Change we now face, yet, the wonderful technologies and sciences that so enhance the lives of humankind? As explained at the Toolkit for Climate Action, http://participate.lwv.org/c/9217/p/salsa/web/common/public/content?content_item_KEY=10472:

In January 2019 the LWVUS Board approved a position statement on climate change. "Since the LWVUS Natural Resources positions pre-date the public's general awareness of climate change, we did not have a position explicitly mentioning climate change. Now, in recognition of Leagues' increasing engagement in climate action, the LWVUS board has added the following position language supporting climate action:

The League believes that climate change is a serious threat facing our nation and planet. The League believes that an international approach to combating climate change — including through energy conservation, air pollution controls, building resilience, and promotion of re-

newable resources — is necessary to protect public health and defend the overall integrity of the global ecosystem. The League supports climate goals and policies that are consistent with the best available climate science and that will ensure a stable climate system for future generations. Individuals, communities, and governments must continue to address this issue, while considering the ramifications of their decisions, at all levels — local, state, regional, national, and global."

At our August Board Meeting, LWVWV signed on as co-partner for WV Climate Action, <https://www.wvclimateaction.org/>, and we participated in the 2019 Climate Strike inspired by sixteen year old Greta Thunberg. I participated in my capacity both as president of LWVWV and Positive Spin, which is a community run bicycle collective in Morgantown.

Not always well advertised is the fact that currently greenhouse gas (GHG) emissions from transportation account for about 29 percent of total U.S. GHG emissions, making it the largest contributor of US GHG emissions. Light-duty vehicles (including passenger cars and light-duty trucks) are by far the largest category, contributing 59% of US GHG emissions! (See <https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions>). This is why I implore people to ride their bikes more often in place of using fossil fuel powered vehicles. Here I am, the tall guy in the front center of a photo taken by Kristian Anderson, surrounded by several WVU students at the Bicycle/Zero Emission Rally (organized by the student group, Mountaineers for Green Design) on Climate Strike Day (Sept. 20) before we embarked on a Bike Ride March to a larger rally downtown.



Nineteenth Amendment Centennial Celebrations

By Helen Gibbins

“VOTES FOR WOMEN” was a rallying cry for suffragists during the 19th and early 20th centuries. Women finally achieved that right when the 19th Amendment to the Constitution was passed and finalized on August 26, 1920. Women and men are rallying again to celebrate the centennial year of the passage of Women’s Right to Vote and to strengthen election laws so that every citizen will be assured that right.

When the U.S. Constitution was adopted, there was no reference to allowing free African American men and women of all colors the Right-to-Vote. The states determined eligibility and some states and territories did allow women to vote. Article 1, Sec. 4 allows the Congress to make laws on elections, but It took the 19th Amendment to assure that all women who were citizens had the right to vote.

It was not an easy path to the ratification of the 19th Amendment. Susan B. Anthony and Elizabeth Cady Stanton organized the July 1848 Women’s Rights Convention in Seneca Falls, NY. The Convention passed The Declaration of Sentiments that included the first public appeal for the rights of women to vote. The suffragists were often put at odds with their husbands and families. Some were militant and some were more restrained. Years of meeting, appealing, protesting, writing, lobbying, marching, crusading before the White House, and even going to jail finally convinced Congress that eligible voters should also include women.

The West Virginia legislature passed ratification on March 10, 1920 but it still took more states for passage. On August 18, 1920, the Tennessee Legislature passed the 19th Amendment resulting in the two thirds majority of states needed to ratify a constitutional amendment. On August 26, 1920, the U.S. Secretary of State certified the ratification. August 26 is now known as Women’s Equality Day.

After the Civil War the passage of the 15th Amendment gave African American men the Right-to-Vote, but not women. Although ratified in 1870 the promise of the 15th Amendment would not be fully realized for almost a century. At first the amendment was enforced; but after Reconstruction ended in 1877, many of the southern states established barriers such as the use of poll taxes, literacy tests, intimidation, and other means. Other ethnic groups, including Native Americans, were kept from voting in some states.

It took the Voting Rights Act (VRA) of 1965 to ensure that all of our citizens had the right to vote. Again, the struggle to pass the VRA took preaching, marching, protesting, and going to jail to persuade members of Congress to pass the VRA. Unfortunately, in June 2013, the Supreme Court gutted important sections of the VRA, in *Shelby County v. Holder*. Following this court decision, more than 16 states

passed bills that made it more difficult for African Americans and other communities of color to access the ballot box. Organizations such as the League of Women Voters, challenged these laws and won many cases, but not all. In order to strengthen the protection of voting rights, HR 1, For the People Act, passed the House this year and is awaiting action in the Senate.

As to celebrating the Centennial of the Passage of the 19th Amendment in West Virginia, many women and men from around the state get together through conference calls to plan for statewide events and encourage local groups to plan events. Several League members are participating in this effort.

Thanks to Julie Palas, Executive Director of the WV Women’s Commission, two events have been scheduled at the Capitol.

January 24, 2020. The annual Women’s and Girls’ Day at the Legislature. The theme will be “Women’s Voices, Women’s Votes”.

February 17, 2020. Celebration of the passage of the 19th Amendment. Organizations are invited to reserve exhibit tables on both sides of the Upper Rotunda. If you wish to reserve a table, contact Julie.C.Palas@wv.gov. The activities of the day are yet to be planned.

Contact your local League or state League to find out what is planned for your community.



In October 2018, West Virginia had 601,501 females registered to vote and 281,031 females voted in the general 2018 election which represented a 46.72% turnout. Top three counties were Tucker at 56.48%, Ritchie at 55.85% and Monroe at 55.58%. Lowest turnout was McDowell County at 26.85% followed by Mingo at 32.22% and Wyoming at 33.24%.

Nationally, women outnumber men in voter registration and voter turnout.

NATURAL RESOURCES

By Helen Gibbins and Julie Archer

WEST VIRGINIA WATER QUALITY STANDARDS TRIENNIAL REVIEW

As required by the Clean Water Act, West Virginia is working on its Triennial Review of its water quality regulations. In the 2019 legislative session legislators deleted EPA studied and recommended parameters for 60 toxins. (The League opposed these deletions.) The legislature also delayed action on human health criteria because the Manufacturers Association wanted to study and submit its own findings to the DEP, with emphasis on the chemicals related to West Virginians' health facts.

As defined by the EPA, "Certain chemicals can harm human health when present in water in high enough concentrations. People are exposed to these chemicals when they drink the water. They are also exposed when eating seafood from contaminated waters since these chemicals can accumulate in the bodies of fish and shellfish. EPA develops human health criteria which specify how much of a chemical may be present in a water body before there is a threat to human health. These criteria are recommendations for states and tribes that are developing water quality standards."

October 1 was the deadline for submitting comments on human health criteria. At the time of the publication of this VOTER, we did not know the results of the Manufacturer Association's study and comments made by environmental organizations. For more information link to WV Rivers, Programs, Fact Sheets.

PFAS

The LWVWV signed on to a letter to Senator Capito, prepared by WV Rivers Coalition. The letter commended her for her leadership in "efforts to address the risks posed by per- and poly- fluoroalkyl substances (PFAS) contamination."

What are PFA's" or "PFAS," or "PFAs? The EPA defines them as "acronyms for perfluoroalkyls, which are a group of man-made chemicals that are not found naturally in the environment, according to the Centers for Disease Control (CDC). These are industrial chemicals used in manufacturing."

The letter thanked the senator for working with Senator Kirsten Gillibrand to introduce bipartisan legislation to quickly set a health-based drinking water standard under the Safe Drinking Water Act, and for championing legislation to subject many industrial PFA'S discharges to the reporting requirements of the Toxic Release Inventory.

The letter pointed out that "West Virginia is disproportionately impacted by ongoing and legacy PFAS pollution. The

provisions you championed, as well as provisions included in the House version of the National Defense Authorization Act (NDAA), are critical to reducing and remediating PFAS pollution in our state."

The provisions in the NDAA would:

- Designate PFAS as "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act;
- Subject PFAS discharges to regulation under the Clean Water Act;
- Quickly phase out military use of PFAS in firefighting foam;
- End the use of PFAS firefighting foams in training exercises;
- End the use of PFAS in military food packaging;
- Require ground and drinking water quality monitoring for PFAS;
- Require the military to share PFAS water monitoring information with adjacent communities;
- Ensure proper incineration of military PFAS, and provide EPA guidance on the destruction and disposal of PFAS wastes;
- Accelerate PFAS cleanups at military facilities through the use of cooperative agreements; and,
- Provide funding for additional studies, data sharing, and remediation.

ENERGY EFFICIENCY

In August, the LWVWV sent a letter to the WV Public Service Commission in support of the energy efficiency and demand-response programs offered by Appalachian Power and Wheeling Power to customers in West Virginia, urging the PSC to approve American Electric Power's proposal for these programs for 2019-2020.

Through AEP's energy efficiency programs, customers have reduced energy usage and their monthly bills. They have also received free energy audits and purchased energy efficient appliances and light bulbs at reduced prices. Homes and businesses have become safer, healthier and more comfortable.

These programs have also helped our most vulnerable - the elderly, veterans, and working-class families - stretch their limited budgets farther by taking control of their energy bills.

AEP's proposal, negotiated with Energy Efficient West Virginia is still awaiting approval by the PSC. You can review the testimony and documents in the case at <http://www.psc.state.wv.us/WebDocket/default.htm>. The case number: 19-0396-E-P.

LEAGUE ACTIONS

LEAGUE ACTION ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

In September, the League of Women Voters of West Virginia sent a comment letter to USDA Food and Nutrition Service to oppose the proposed rule to eliminate SNAP's broad-based categorical eligibility (BBCE) option that allows states to streamline the process for households with slightly higher incomes that still experience financial hardship to participate in SNAP.

Key statements in the letter include:

SNAP plays a critical role in food security in West Virginia. In fiscal year 2017, SNAP benefits reached 340,000 West Virginia residents, or 19% of our state population.

Eliminating the BBCE option would deny access to food assistance to more than 3 million people, including thousands of West Virginians, and punish families for saving money for emergencies or for their children's future.

The proposed policy change would be counterproductive and remove incentives for people to enter and stay in the workforce. Allowing them to continue to receive assistance lets them focus on being successful rather than having to worry about how they will pay for food.

This attack on those struggling to get by sidesteps Congress by eliminating an option that has been in place for more than 20 years and was recently upheld in the bipartisan 2018 Farm Bill.

Eliminating this option takes food off the tables of working individuals and families, children, seniors, and people with disabilities.

The League of Women Voters supports programs and policies to prevent or reduce poverty and to promote self-sufficiency for individuals and families, and believes those who are unable to work, whose earnings are inadequate or for whom jobs are not available have the right to an income and/or services sufficient to meet their basic human needs for food, shelter, and access to health care.

SNAP helps millions of Americans and thousands of West Virginians make ends meet. LWVWV asked that USDA reject these unnecessary changes to this proven program.

LWVWV and LWVUS join together on People Powered Fair Maps™

In response to the Supreme Court declining to set a standard to rein in partisan gerrymandering, LWVUS has rolled out its People Powered Fair Maps™ initiative. People Powered Fair Maps™ is a national redistricting campaign focused on creating fair political maps nationwide. The program includes actions in all 50 states and Washington, D.C.

The work will look different in each state, but the program is comprised of five major focus areas:

1. Ballot Initiatives or Referendums
2. State Constitutional Options
3. State Legislative Fixes
4. Federal Legislative Fixes
5. Civic Engagement & Education

Each state will engage in at least one of the four focus areas through advocacy, education, organizing and mobilization, partnerships, litigation, and/or protection/defensive action. West Virginia is targeted for Focus Area 3, 4 and 5.

In Focus Area 3, be on the lookout for how you can help through action alerts, letters to the editor and op eds, league training on testifying and lobbying, power mapping and supporting legislative drafting.

In Focus Area 4, the LWVUS will rely on states with key representatives and senators to help move federal legislation forward. While all states can and will participate in the federal strategy at the direction of the national League, this focus area will rely on specific states who have limited participation in the other focus areas to offer an entry point into the campaign for all Leagues.

In Focus Area 5, local Leagues will engage residents in creating awareness about redistricting, its importance, and the impact redistricting has on how their vote is counted. Leagues will do this in their immediate and adjacent communities and in coalition with community partners. The purpose of this effort is to educate and build confidence with individuals around community competence. When state residents feel ownership and an ability to exert influence over the decision process, there is a greater willingness to hold legislators and those leading the map drawing process accountable to them – not the other way around.

LWV WV will receive a pass-through grant from LWVUS to support this work. You can also provide a philanthropic contribution. Your gift of \$50, \$500, \$5000 or more enables greater reach to individuals, voters, and elected officials.

ELECTION LAWS/STATE GOVERNMENT

By Kathy Stoltz

WV Legislature

The legislature met in an extended special session that convened several times over the summer. A total of 165 bills were introduced, of which 47 completed the legislative process and were signed by the governor. Most were supplementary appropriation bills. **HB 206, an omnibus education bill**, passed with many of the same provisions as the bill that did not pass during the regular session. Provisions include pay raises, up to three charter schools, increased support personnel for schools, open enrollment, incentives to fill in-demand positions and financial support for small or struggling counties.

HB 207 also passed, eliminating the B&O tax on the coal-fired First Energy Pleasants Power Station, which had been scheduled to close, but as part of a bankruptcy settlement, will remain open until 2022. From the July 23, 2019 *Today in the Legislature*: “The bill would exempt merchant power plants from the business and occupation tax. It defines a merchant power plant as “electricity generating plant in this state that is not subject to regulation of its rates by the West Virginia Public Service Commission, sells electricity it generates only on the wholesale market, does not sell electricity pursuant to one or more long-term sales contracts, and does not sell electricity to retail consumers.”

State Government

Court proceedings are ongoing concerning the governor’s residence. Delegate Sponaugle has sought settlement of whether the Governor is violating the state constitution by not residing in Charleston.

The Judicial Compensation Commission has recommended pay increases for WV judges. Salaries were last raised in 2011. In 2017 the commission proposed raises of 5% to 7% but the recommendation was not taken up by the legislature. The current recommendations were 18% for the Supreme Court of Appeals (to \$160,480), 18% for judges of the Circuit Courts (to \$148,680), 20.5% for Family Court judges (to \$113,400), and 18% for Magistrates (to \$67,850).

DHHR is taking bids on providing managed health care for foster children in West Virginia, implementing a bill passed by the legislature.

Election Laws

The Secretary of State’s office reports that implementing a system for allowing overseas residents qualified to vote in

West Virginia to vote using a mobile device increased turnout in the last election. While some have security concerns about the system, Secretary Warner is confident that the safeguards in the system are adequate to prevent fraud. The option was available to overseas voters from 24 of West Virginia’s 55 counties.

A precandidate listing of those who have already filed their intent to run for statewide office, the legislature, or a court is available on the Secretary of State’s web site at <https://cfrs.wvsos.gov/#/explore/precandidate>. A list of the 430 PACs registered in West Virginia is at <https://apps.sos.wv.gov/elections/pac-search/>

LWV WV Charleston Local League Interest Meeting

On October 9, an interest meeting was held with the intent to restart the Charleston-area League of Women Voters chapter and be up and running by 2020, to celebrate the 100th anniversary of women gaining the right to vote.

At this meeting, attendees discussed the role the League of Women Voters could have in the Charleston area, heard an overview of the process to becoming a chapter, brainstormed future events, enjoyed time with other civic-minded people and signed up new members. The League is open to both men and women over 16, and is free for students.

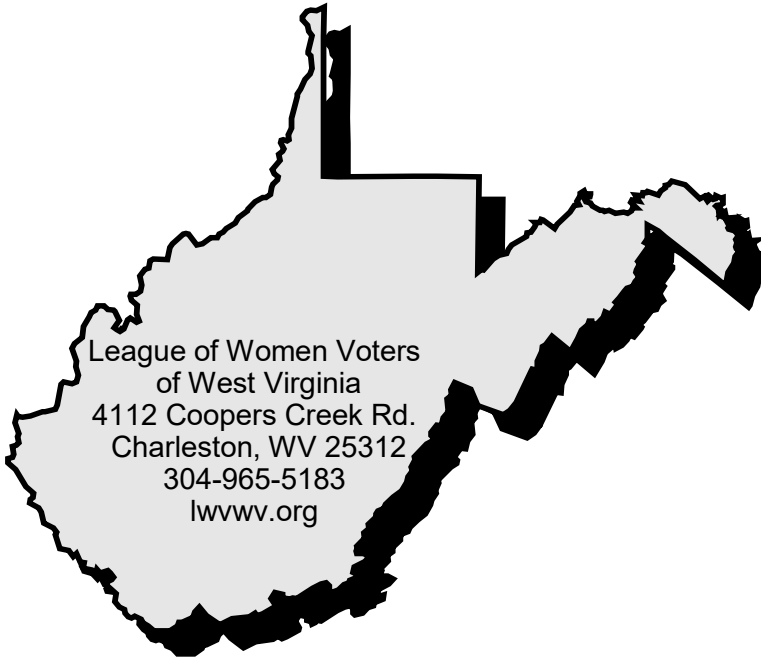
Thanks to Brittany Carowick, West Virginian and enthusiast, and Becky Ceperley, former president of LWV US and Charleston City Council member for starting this discussion.

CALENDAR

Nov 2	LWV WV Board Meeting, Morgantown
Jan 8	First day of WV Legislature
Jan 11	LWV WV Board Meeting, Morgantown
Jan 24	Women’s and Girl’s Day at the Legislature
Feb 17	Celebration of the Passage of the 19th Amendment

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Teresa Koon
 Editor

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