



Capital Eye

Volume 13, Number 9 – Spring 2020

Legislative Wrap-Up & What's Next

by Gary Zuckett

Right after the session ended, our state and nation were invaded by COVID-19. However, we won't let it stop us from sending out this wrap-up to all our supporters like you!

We also want to let you all know that, even as we take the precautions necessary to keep safe, we are still "in it to WIN IT!" We are collaborating daily with allied national and local groups, conferencing with state officials, and crafting a citizen response to this crisis that makes sense for everyone, not just Wall Street and the airlines.

See article inside with actions and links to address the crisis. Now is the time to go for "physical distancing" instead of "social distancing." Social communication, collaboration, and engagement is now essential for us to pull through this immense challenge.

If there was ever a time to become an active citizen, now is the time! Contact us for volunteer opportunities. Renew your CAG membership too!

At some point, our lives will hopefully return to some kind of new normal and this legislative stuff will still matter, so here goes - our coverage of the good and bad from 2020!

Wins on Dental Coverage and Insulin Copays

Our Health Care for All WV coalition racked up significant wins that will improve the lives of hundreds of thousands of our fellow West Virginians!

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Absentee Voting Now Available to All Due to Coronavirus Emergency

by Julie Archer

Many are wondering how the COVID-19 crisis will impact our primary and judicial elections, which have been rescheduled for June 9th. In order to ensure people can exercise their right to vote during this public health emergency, the Secretary of State has expanded access to absentee voting. This means [every registered West Virginia voter is now eligible to vote absentee.](#)

(See www.SOS.WV.GOV)

County Clerks will be sending an absentee ballot application to all registered voters (unless they have already requested or submitted an absentee application). You can expect to receive an absentee ballot application in the mail sometime early to mid-April. The Secretary of State and county clerks recommend that voters return their applications as soon as possible. Once your application is approved, the county clerk will mail you a postage prepaid absentee ballot with instructions.

We encourage you to avoid in person voting and take advantage of this option, as this is the safest way to vote while protecting your health and the health of others. Another way to observe physical distancing precautions and help limit the number of people congregating at any one site at a given time is to early vote at a community voting location. Early voting takes place from May 27th to June 6th. Because West Virginia has time to plan ahead, hopefully the election can take place without the confusion and disruptions that proved to be barriers to voting in other states that held elections in March, as the outbreak began to worsen. However, new poll workers will be needed to help administer the election.

You can help make sure we're better prepared by [contacting your county clerk](#) and volunteering to serve as a poll worker, if you aren't part of a more-at-risk group (or living or caring for someone who is). **To be prepared, we should also anticipate changes in polling locations, as well as longer waits with the additional measures that need to take place to ensure sanitation. With more people voting absentee, we also should expect it to take longer to get the election results.**

One solution that would help ensure West Virginians are able to cast a ballot and protect their

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health in situations like this would be to adopt universal vote by mail. However, state elections officials say they don't have the infrastructure or capacity to do this in advance of the primary.

The Natural Disaster and Emergency Ballot Act of 2020 would give every American the ability to vote by mail, by providing states with the resources they need to make this happen and ensure fair elections while protecting public health and safety. Contact [Senators Manchin](#) and [Capito](#) and urge passage of the Natural Disaster and Emergency Ballot Act of 2020. ♦



How to Vote Absentee:

NOTE: All registered voters will be mailed an absentee ballot application for the June 9th (rescheduled) primary. Registered voters do not have to request the application. It is automatically being mailed to you. The Secretary of State says that voters can expect to receive an absentee ballot application in the mail early to mid- April.

If you are not registered, or have moved since you last voted, register first and request an absentee ballot as outlined below.

1. **Obtain the WV Absentee Ballot Application at GoVoteWV.com or request from County Clerk.**
2. **Fill out and sign the application.** *Note: Make sure to check the first box for "Illness, injury or other medical reason which keeps me confined" in Section 4.*
3. **Return it to your county clerk by mail, email, or fax.** Visit GoVoteWV.com to find your county clerk's contact information. *Note: Your county clerk must receive your application by June 3rd*

Voters may only apply and vote absentee in the county where they live.

To register to vote or to make sure your registration is up-to-date, click "Check Your Voter Registration Record" at GoVoteWV.com.

Registered voters may request their absentee ballots from now until June 3rd. The deadline to register to vote for the Primary Election is May 19th.

Absentee ballots must be postmarked on or before election day and received by the start of canvass, or hand-delivered the day before the election (June 8th).

Coming Together to Building Grassroots Power

by Savanna Lyons

About 60 people from around the state gathered on February 2nd for Grassroots Elections Day and February 3rd for Grassroots WV Local Campaigns & Lobby Day, which we organized in coalition with other groups.



We kicked off the electoral season with **Grassroots Elections Day**, which drew folks from the Eastern Panhandle, Huntington, Beckley, Morgantown, Mason County, Preston County, and all over. In group discussions and workshops, we talked about how to push important issues using the election, research and vet candidates, build slates of candidates, run effective get-out-the-vote efforts and build power for your local organizations to make change. Some of the workshops were so popular that we plan to repeat them at other locations around the state. A big thank you to our co-hosts, the WV Working Families Party, and to all our trainers: Renée Hagerty, Beth White, Stephanie Zucker, Andy Cockburn, A-Nya Badger, Savanna Lyons and Ciera Pennington.

We kicked off the legislative season with the **Grassroots WV Local Campaigns and Lobby Day** on Feb. 3rd, an amazing day of power and purpose at the legislature. We started with workshops to help folks plug into statewide Healthcare for All and environmental justice

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campaigns. Then we headed to the Capitol in teams to make our voices heard. It was quite a day, where personally impacted folks helped lay the groundwork for some big legislative wins.

During the lobby day, folks like Kim Jones of Huntington, whose daughter is diabetic, went head to head with pharmaceutical lobbyists in House Banking and Insurance. By sharing her own testimony and showing legislators her insulin receipts, Kim helped legislators understand the impact of the skyrocketing costs of insulin, and helped save HB 4543, the bill to cap insulin copays.

And local leaders like Casey Poe from the Circles Campaign of Mid-Ohio Valley shared powerful stories about their personal experiences with dental care. They successfully paved the way for passage of SB 682, the Medicaid dental bill to cover all adults.

Thank you to our Grassroots WV partners! WV Working Families, WV Rivers Coalition, WV Center on Budget Policy, and Our Future WV. ♦

Legislative Wrap-Up (continued from page 1)

Medicaid will soon begin to cover preventive dental care for adults with the passage of [SB 648](#). As it is now, when you turn 21, the only dental treatment available through Medicaid is a tooth extraction in the emergency room. No wonder our state has such a bad dental health record. This is about to change!



WV CAG Field Director, Savanna Lyons (far left), with a crew of citizen lobbyists fighting for the passage of SB 648, the Medicaid dental expansion bill.

Another win - soon insulin co-pays will be limited to \$100/month for those who must daily deal with diabetes monitoring and treatments. Too many with private insurance were paying \$500 to over \$1,000/month co-pays for this life-giving medication.

[HB 4543](#) was hard fought, having to plow through three separate committees on each side. I don't believe I've ever seen a bill passed out of three tough Senate Committees all during the chaos of the last week of session as the insulin bill did!

Our team worked to bring patients in to testify and advocate for both hard-fought bills. We coordinated with bill sponsors, allies, worked committees and press events to help get these two amazing policies enacted. Thanks also to so many of you who came out or called in to support these bills!

Some Bad Bills Defeated

Often, we measure success at the legislature by the bad bills that we help defeat. This was the case again this year. At the top of the list were two of Republican leadership's darlings: establishing an intermediate court of appeals and eliminating the business inventory and equipment tax. The [expensive and unneeded courts](#) were designed to benefit big corporations by stalling off final verdicts. This is a way to run out the clock in order to squeeze lower settlements out of those they've harmed.

The [equipment property tax cut](#) would have again mostly benefited big out of state oil, gas, and pipeline companies. It would have drained the coffers of local county governments which depend on this revenue to keep schools, police, and fire departments funded. It failed to get the required 2/3 majority to put it on the fall ballot.

Good riddance to both, but we'll not be surprised to see them both return from the dead next year like the zombies they are.

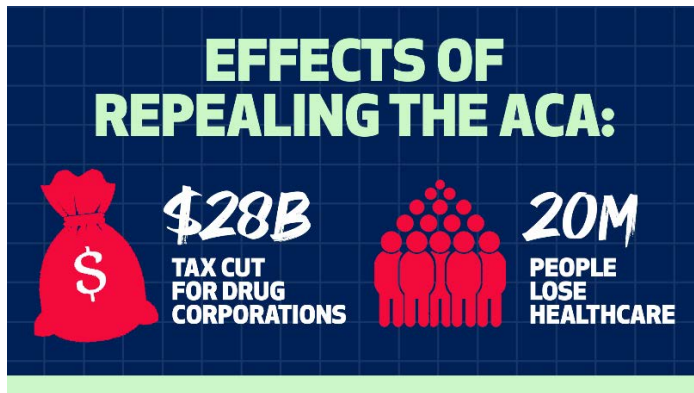
Sham Pre-Existing Conditions Bill Axed

A particularly sweet defeat was that of SB 284 designed to be a "cover your *ss" for Attorney General Patrick Morrissey so he could (incorrectly) tell voters that he "fixed" the pre-existing condition problem he helped create by signing West Virginia onto the lawsuit to do away with the Affordable Care Act (ACA).

Doing away with the ACA does way more damage than just exposing those with pre-existing conditions to abuse by Big Insurance. For instance, take the 160,000+ West Virginians covered with healthcare just by the ACA's Medicaid expansion. They will

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completely lose coverage if this lawsuit succeeds in killing it off. Our allies at the WV Center on Budget, and especially their analyst Kelly Allen, did an amazing job pointing out the total sham this bill was! Morrisey should have taken us off this lawsuit yesterday.



Yes to Wet, But No to Green

In the last hours of the session, a bill was passed to make the whole state of WV “wet” - that is wet with alcohol sales. Never did we see groups of citizens roaming the halls with T-shirts saying, “let us buy booze wherever we roam,” but our lawmakers made sure that could happen.

In contrast, Republican leadership also made sure, on the last day of the session, to [kill off the bill](#) that was indeed hard fought by many citizen volunteers. SB 752 was designed to fix the broken Medical Cannabis law passed several years ago that was intentionally sabotaged to begin with. Prohibition doesn't work for either substance. Our state is losing millions in much needed revenue as states all around us end their prohibitions.

Tanks, Protesters, Solar and other Green Issues

We worked closely with the WV Environmental Council which derailed several of the Pollution Lobby's efforts. Most notably, the bill to roll back aboveground storage tank regulations protecting our drinking water intakes and a solid waste bill to allow railroads to import garbage to dump in our hollows (a throwback of the Garbage Wars of the 1990s).

Another one that we all worked at length opposing, the anti-protest bill (HB 4615), made it through to the governor (although in a much-diluted state). See the [E-Council's wrap-up](#) for more on the scores of bills they supported, opposed and their efforts to keep WV green. Way to go Karan and Kayla - the Green Team rocks!

SB 611, PPAs (Power Purchase Agreements), never saw the sun after it was assigned to the Senate Economic Development Committee. This would have allowed private, third-party solar installations on homes, churches, and small businesses without the home or business owner having to go into debt. It also would have led to a significant expansion of jobs in our state's fledgling solar industry.

The legislature did pass a [landmark solar bill](#) this year. SB 583 provides expedited approval for our monopoly electric utilities to build and sell up to 400 megawatts of solar on brownfields and surface mines to meet the demand of big companies considering moving to or expanding in our state. Commerce Secretary Ed Gaunch told lawmakers in no uncertain terms that not having a solar option was keeping new business investment from locating in WV. The tide is turning! Let's make it turn to PPAs next year!

A Double Loss

[SB 62](#), the Katherine Johnson Fair Pay Act of 2020 was another valiant attempt this year to pass a bill making it unlawful for employers “to prohibit an employee from disclosing information about her or his wages.” These kinds of restrictions are often set up so female employees can't figure out how much they're being shorted compared to their male counterparts. Last year's bill died from neglect in the Senate Judiciary Committee. Ironically, SB 62 died on the same day that we lost the bill's namesake, our WV African American heroine whose calculations were instrumental in our nation's effort to land the first men on the moon. If you haven't yet seen the movie [Hidden Figures](#), it's a great one for these times when we're all spending more at home. Next year we'll have to get this one to pass finally!

Criminal Justice Reforms

[A dozen good bills](#) made it through to help folks awaiting trial and, if convicted, after they get out. These include one to let more folks awaiting trial to avoid waiting in jail if they're charged with non-violent offenses. Close to half our regional jails' inmates have not been convicted of a crime. They're just too poor to make bail so taxpayers must foot the bill until they get their day in court. Another common sense one is one that ends the suspension of drivers' licenses for inability to pay court fines and fees. More fines and fees get paid if folks can drive to their work. Great work by the ACLU of WV, the American Friends Service Committee, and others! ♦

Awards Dinner Postponed, but not Our People First Agenda!

by Alex Gallo

One of West Virginia's biggest strengths is our people and strong sense of community. As we all are experiencing unprecedented times, we here at WV Citizen Action are continuing to care for one another during this pandemic. Every year, we look forward to the Spring Fling, however we are taking the necessary precautions to keep everyone safe by postponing this year's celebration. Watch for future notice of a new date for our awards dinner in the fall. We're also looking forward to announcing our awardees for 2020.

In the past, we've honored people like the late Paul Nyden, long-time Charleston Gazette investigative reporter, and powerhouse citizen activist Betty Rivard. In 2019, we honored Loretta Young, community leader and organizer for Race Matters in Education and Paul Sheridan, director of Legal Aid of West Virginia's office in Logan County. We also continue to be inspired by our Rising Star legislators, who are fighting the good fight to protect West Virginia's most vulnerable and move our state forward.

As we all work through these trying times, we are continuing to make our voices heard, advocating and organizing around issues affecting the people of West Virginia — access to quality healthcare and education, protecting the environment, defending democracy, and ensuring our courts are fair and impartial. We encourage you to please give what you can now to support the important work that needs to be done all the way through our present crisis. See the member/donor form in this publication or give online at wvcaq.org.

Our goal is to emerge from this crisis stronger through community engagement and continuing to make a difference in our state and nation! ♦

Big Victories for Health Care for All WV Campaign at the 2020 legislative session

by Savanna Lyons

By passing three of its top priority bills, the Health Care for All WV Coalition won big this year in the fight for all West Virginians' right to health care.

Coalition members flooded the West Virginia State Capitol with phone calls, letters, events, and lobby visits, and worked with legislators on both sides of the aisle to build bipartisan support around health issues. Some members helped organize a bus trip to Canada to save up to 90% on insulin costs, drawing attention to West Virginia's skyrocketing drug prices. Others hosted an ice cream social at the Capitol to remind lawmakers about the struggles of West Virginians with disabilities.

Hundreds of West Virginians joined together in asking legislators to support common sense measures that save money, dignity and lives in the long run. They urged lawmakers to choose **people over profit** by working towards a health system that serves everyone.

Thanks to these advocates, the Coalition won the fight to:

- **Provide Dental Coverage for 300,000 Adults who use Medicaid.** SB 648, which provides dental coverage to all Medicaid-enrolled adults over 21 years old, passed with overwhelming bipartisan support. Access to oral health care is [linked to](#) better health outcomes, reduced medical costs like emergency department visits, and increased work attendance.
- **Provide home- and community-based services for people with intellectual and developmental disabilities by clearing the I/DD Waiver Waitlist.** Thanks to an outpouring of citizen action at the Capitol, the legislature set aside \$19.8 million to support all 1,084 individuals currently on the I/DD waiver waitlist. Many of these individuals and their families have been waiting for years to receive coverage for services and care at home, so that they don't have to live in an institution.
- **Cap Insulin Copays at \$100 for a 30-day supply.** The price of insulin, sold by only three manufacturers in the U.S., has more than tripled over ten years. HB 4543 puts a cap on monthly copays for West Virginians who have private health coverage or PEIA. It's expected to [make insulin more affordable](#) for many. The past few years have seen an increase in deaths and strokes among people who are forced to

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skip or ration their insulin because they can't afford it. This bill is a big step in the fight to curb outlandish drug company profits and make life-saving prescription drugs affordable for everyone.

In addition, the Coalition helped defeat:

- **Medicaid Work Reporting Requirements.** This bill, now defeated two years in a row, would have taken away health coverage from [37,000](#) West Virginians. It would have stripped away care from many working people who would not have been able to meet the requirements.
- **A ban on [evidence-based](#) syringe exchange programs.** A ban on syringe exchanges would be devastating for public health. These services prevent deadly disease outbreaks and save \$6 in HIV treatment for every dollar invested. New clients in such programs are [five times more likely to enter drug treatment](#) and three times more likely to stop consuming drugs than drug users who do not use the programs.
- **A Sham Pre-existing Condition Protection Bill,** put forth by Attorney General Patrick Morrisey. This bill had very weak protections for West Virginians with pre-existing conditions, lacked non-discrimination protections, and would have allowed insurers to deny health plans to many residents. A better course would be for our Attorney General to remove our state from the Federal lawsuit seeking to kill off the Affordable Care Act that made preexisting conditions an issue.

The work is just beginning. This summer, Coalition members and volunteers will knock on doors across the state to hear what West Virginians want to fix about their health care system. Building towards another legislative campaign in 2021, they will organize town halls on health care in the summer and legislative candidate forums in the fall. Top priorities for next year include enacting a Paid Family and Medical Leave program and Medicaid and CHIP buy-in options for those who struggle to afford Marketplace insurance plans.

The Health Care for All Coalition is a coalition of people and organizations that includes hundreds of citizen advocates personally affected by our health care crisis. It is led by West Virginians for

Affordable Health Care, the West Virginia Center on Budget and Policy, and West Virginia Citizen Action Education Fund, and also includes the Fair Shake Network, the WV Team for Insulin Affordability, Rise Up WV, Circles Campaign of the Mid-Ohio Valley, and other groups.

To learn more about Health Care for All, and to get involved, visit healthcareforallwv.com. ♦

WV House Rejects New Court Sought by Powerful Special Interests, Legislature Primed to Continue Attacks on the Courts

by Julie Archer

A coordinated effort by WV CAG and our partners and allies in the WV Citizens for Clean Elections Coalition resulted in thousands of emails and hundreds of calls to legislators from people like you that helped kill this year's bill (SB 275) to establish an unnecessary intermediate court of appeals. We also had a strong showing against the bill at a public hearing before the House Judiciary Committee.

Special interests have long sought the intermediate court, to drag out appeals and tip the scales in their favor. Ours is one of 10 states without an active intermediate court because our caseloads do not justify the expense. The Senate passed the bill on a largely party line vote with most Republicans in favor, but the House of Delegates rejected the measure (44 Y - 56 N).

As initially proposed, SB 275 would have created the first bench of unelected judges in the history of WV and allowed Governor Justice to appoint all the members. Although the bill was amended so that the judges on the intermediate court would stand for election, because of the impact of big money has had on judicial elections here this merely amounts to a court packing scheme of a different sort. Powerful special interest groups spending big bucks on elections see our courts as an effective vehicle to further their political, ideological, and financial agendas. Why would this new court be any different?

What's more, most of this spending is hidden in the

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shadows, because West Virginia's current campaign finance laws allow groups that spend money on our elections to hide the identity of their donors, making it impossible for voters to know who is trying to influence the election or future court decisions. This politicization of Supreme Court elections undercuts the ability of the court to be fair and impartial. Without shining a light on this spending, the appearance and reality of even-handed justice is at risk.

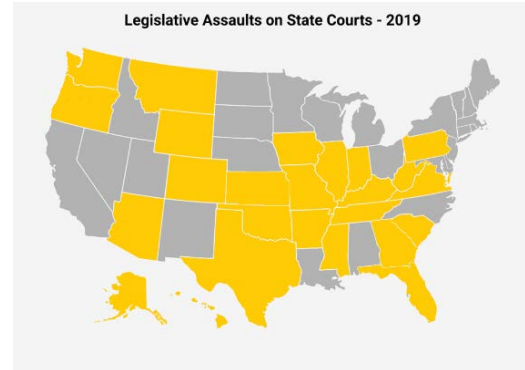
Attacks on the Courts Also Halted

Besides SB 275, we also had to contend with multiple proposed constitutional amendments that would have undermined the independence of the courts. These legislative attacks on the judiciary continue as fallout from the 2018 Supreme Court spending scandal and anger over a substitute Supreme Court putting a halt to impeachment proceedings against the justices. We were successful in staving off those attacks. Proposals we helped defeat included a proposed "Protecting the Separation of Powers Amendment" (SJR 7), which would have stripped state courts of their ability to interfere in any proceedings of the Legislature (not just impeachments), even if those proceedings aren't constitutional! The Senate Judiciary Committee approved SJR 7, sending it to the full Senate for a vote, but we helped convince Democratic senators to hold the line, which kept the measure from getting the two-thirds vote needed to put the proposed constitutional amendment before voters in November.

The House and Senate also reintroduced a 2019 proposal to amend the state constitution in order to clarify the role of the judiciary in impeachment proceedings. These proposals (HJR 109 and SJR 1) would have limited the ability of state courts to determine that impeachments or trials of impeachment were procedurally deficient or

conducted in a way that conflicts with the constitution, although neither advanced.

In addition to the growth of outside spending in judicial elections, these types of attacks on state courts have become increasingly common. According to the Brennan Center for Justice, in 2019, legislators in at least 25 states (including West Virginia) considered at least 48 bills to diminish the role or independence of state courts.



Courts are powerful and they matter. State courts, where 95 percent of all cases are filed, play a crucial role. Their rulings impact our health, our freedom, and our bank accounts. We elect presidents, governors and legislators as advocates. Judges are supposed to be neutral arbiters of the law and Constitution, not swayed or bullied by special interests or the other branches of government. That's why we must continue to fight these attacks and push for increased transparency in our elections and the adoption of strong recusal standards to remove political pressure and conflicts of interest from our courts. And, as we prepare to elect an unprecedented three out of five justices to the WV Supreme Court on May 12, we must also be informed voters — know our court candidates and who is financially backing them — so we can effectively use our right to vote to protect ourselves, our loved ones, and the world around us. ♦

Help CAG weather the Covid Crisis with Your Support!

WV CAG Membership/ WV CAEF Support Form

Name: _____ E-mail: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Individual: __\$35 Family: __\$50 Student/Senior: __\$15 Sustainer: __\$250 Public Citizen: __\$500

Enclosed is \$ _____ made payable to **WV Citizen Action (WV CAG) (not tax deductible).**

Enclosed is \$ _____ made payable to **WV Citizen Action Education Fund (WV-CAEF) (tax deductible).**

Please mail checks to: WV CAG or WVCAEF | 1500 Dixie Street | Charleston, WV 25311

You can also donate online at wvcag.org or wvcaef.org.

Please consider setting up an automatic monthly recurring donation.

Thank you for your support!

WV Citizen Action Group
1500 Dixie Street
Charleston, WV 25311

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*We're working from home in coordination with allied groups to keep our democratic elections intact and address community needs. **You can help** by sending in your member renewal or contribution – see back page!*



4 things you can do during the COVID-19 pandemic

This is a time for us to look out for each other...and to demand that our government DOES ITS JOB to take care of us, too. Here are four things you can do today!

Our Team

Gary Zuckett
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Communications
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Alex Gallo
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1. **Stay safe and protect others.** The Center for Disease Control (CDC) has [good information](#) about how to protect yourself from COVID-19 and what to do if you feel sick. Also, see these two WV community-based resource pages for lots of info that's updated daily: rapidresponsewv.org and wvcantwait.com/coronavirus.
2. **Demand that our Governor act to protect our voting rights and provide safeguards for working parents, children, and people living in poverty during this crisis.** Contact the governor's office (304-558-2000) and ask him to take affirmative steps to provide action IMMEDIATELY on this [list of emergency policy changes](#) from the WV Center on Budget and Policy (WVPolicy.org) to protect vulnerable West Virginians.
3. **Get what you need AND help feed neighbors if you can.** If you or your family needs food, or if you want to volunteer to help others get food, check out the ["WV Food ER 2020" Facebook group](#) started by our friends at Our Future WV and American Friends Service Committee-WV. There you can learn about food distribution points and volunteer opportunities across the state.
4. **Vote absentee ASAP for the (rescheduled) June 9th election.** In order to ensure people can exercise their right to vote during this public health crisis, the WV Secretary of State announced universal access to absentee voting. This means anyone can cite health concerns as a reason for voting absentee. See page 2 for details on obtaining and voting an absentee ballot – the safest way to vote this year.