

# Much At Stake With Proposed Constitutional Amendments

## ***Three Dangerous Power Grabs Threaten Checks & Balances, Essential Community Services and Public Education***

By Julie Archer, from WV Citizen Action 'Capital Eye' newsletter at [www.wvcag.org](http://www.wvcag.org)

In addition to the congressional, legislative, county and local elected offices that will appear on the ballot this November, voters must also consider four separate amendments to the state's constitution. During the 2021 and 2022 legislative session, the West Virginia legislature passed resolutions asking voters to consider each proposal. These amendments will become part of the State Constitution if a simple majority of voters who cast ballots vote in favor.

*Note: we've used the 'official' titles that will appear on the ballot - but don't be fooled by them...*

### **Amendment 1:**

#### **'Clarification' of the Judiciary's Role in Impeachment Proceedings**

This amendment would make it so that no court in the state could intervene to protect the right to a fair hearing of a public official facing impeachment, no matter how frivolous the charge or constitutionally flawed the process. Despite what legislators argued when they voted in favor of putting this amendment before voters, this amendment is not needed to restore or protect the legislature's authority in impeachment proceedings. If adopted, this amendment would open the door to blatant abuses of power by the legislative branch, by cutting loose future impeachment proceedings of the state legislature from all constitutional restraint, potentially denying a public official faced with impeachment their right to due process. In the hands of a partisan majority, this new power could be abused to oust political opponents without cause, thereby eroding existing checks and balances between the three branches of government and undercutting public trust in the political process. **WV CAG OPPOSES this amendment.**

### **Amendment 2:**

#### **Property Tax 'Modernization' Amendment**

This amendment is another dangerous power grab that would give the Legislature the authority to exempt business machinery and equipment, business inventory, and personal vehicles from taxation. This would give the state legislature control of \$515 million in property taxes that fund our schools and other vital services for our communities. The loss of this critical revenue will adversely impact the ability of municipalities, county governments, and school districts to provide essential services that benefit all West Virginians, and will likely lead to cuts to services or increased taxes on other parties, like homeowners. Our friends at the WV Center on Budget and Policy have released a new issue brief that explains Amendment 2 and the negative implications of its passage. The brief can be found at [wvpolicy.org/category/reports-briefs](http://wvpolicy.org/category/reports-briefs). **WV CAG OPPOSES this amendment.**

### **Amendment 3: Incorporation of Churches or Religious Denominations Amendment**

This proposed amendment would allow churches and other religious organizations to incorporate in West Virginia. Currently, these institutions are prohibited from incorporating under the West Virginia Constitution — a provision borrowed from the Virginia Constitution. Virginia's prohibition was found to be unconstitutional several years ago. As a result of the Virginia court decision, the WV Secretary of State began issuing certificates of incorporation to churches despite the constitutional prohibition in WV. Consequently, this proposed amendment would conform the WV Constitution to current practice, and the federal court's ruling in the Virginia case. **The ACLU of WV SUPPORTS this amendment.**

### **Amendment 4: Education 'Accountability' Amendment**

Although the summary of this proposed amendment says that its purpose is “to *clarify* that the rules and policies promulgated by the State Board of Education are subject to legislative review, approval, amendment, or rejection,” its adoption would actually be a major policy change. In 1958, the voters of West Virginia amended our state constitution to give general supervisory authority over the schools of our state to the State Board of Education. This previous amendment, which was proposed in response to a legislatively commissioned study of the state's system of public education and was recognized as a necessary step “to provide our state's schools with a governance model that is thoughtful, managed by a diverse group of experts, and immune from the ebb and flow of politics,” according to the State Board of Education. Granting the state legislature authority over state education rules and policies will, in the words of the Board, only make our system of education “less efficient, more chaotic and subject to partisan politics.” **WV CAG OPPOSES this amendment.**

You can find the ballot order, stated summary of purpose, and full text of each amendment at [GoVoteWV.com](http://GoVoteWV.com). More to follow on their potential consequences for our communities, and how you can get involved to make sure your friends, family, and peers know what's at stake, so that we can defeat these power-grabbing amendments.

## **Summary: Vote NO on Amendments #1 #2 & #4**

