



# Capital Eye

Volume 2, Issue 10

May 2003

## **SUPREME COURT REJECTS GRANTS COMMITTEE BOND LAW WV-CAG wins a big one**

Last week the Supreme Court ruled in WV-CAG's favor when it declared that the \$200 million economic development bond law was, in fact, unconstitutional. Although the Court stated that the use of lottery funds for economic development bonds did pass constitutional muster, it ruled that WV-CAG was correct in asserting that the legislature exceeded its authority and infringed on the power of the executive branch.

The bill enabling the economic development grant bonds was passed in the waning moments of the 2002 legislative session. We maintain that very few, if any, legislators (outside of a few leaders) actually were aware of what it contained. After examining the bill, WV-CAG felt that it was merely a scheme to create \$200 million worth of political pork projects controlled by the Speaker of the House and the Senate President. The law became the "mother of all budget digests". WV-CAG took a lot of criticism for the lawsuit and so it was particularly gratifying that, in the end, both Charleston newspapers applauded our efforts (see page 3).

It's back to the drawing boards for the legislature to come up with a legal mechanism for funding projects such as the Wheeling Outlet Mall, the Quincy racetrack, and the Charleston minor league ballpark. This time around, the bill will be worked and debated in the sunlight with all manner of media and citizen scrutiny. WV-CAG members, indeed we think all West Virginians who respect the State Constitution, owe a special debt of gratitude to attorney Larry Harless who represented us "pro bono" before the Court.

# HAVA Good Election

by Gary Zuckett, garyz@wvcag.org

From all angles, the 2000 elections were a disaster. To try and prevent another “hanging chad” debacle in 2004, Congress enacted HAVA, the Help America Vote Act. HAVA provides several billion dollars for states to upgrade voting machines and institute state-wide voter registration databases. It also requires every polling place to be equipped with handicapped accessible voting machines. WV-CAG participated in the committee set up by HAVA to “advise” our Secretary of State in implementing the new law.

This is all well and good if the new voting equipment does indeed improve vote counting and public confidence in the election process. However, new machines being purchased are mostly paperless, touch-screen computers. This creates serious new problems:

- ◆ Computers are prone to malfunction at the very worst time.
- ◆ Voters have no idea if their vote is tabulated the way they intended. They push the button on the screen and woosh, off it goes into electron land.
- ◆ The software counting the votes is the property of the for-profit corporations that sell the machines.
- ◆ Such software is not tamper-proof and it can be impossible to detect malicious tampering.
- ◆ Independent recounts are virtually impossible without a hard copy paper trail of each voter’s ballot.

Stanford computer scientist David Dill is leading a movement to correct these problems. It’s really simple. Just connect a printer to each polling computer and keep the paper ballots safe. Then if there is any question of the vote accuracy there is something to fall back on. His web page, <http://verify.stanford.edu/evote.html>, outlines the technical reasons to insure the integrity of our election process.

Secretary of State Joe Manchin is taking public comments on the HAVA required changes in West Virginia’s voting process. Contact him at [www.wvsos.com](http://www.wvsos.com) or 558-6000. Ask him to require that all new voting equipment provide a voter verifiable, independently auditable paper trail. The democracy you save may be your own.

# Bad checks

## Court right to cancel grants

from *Charleston Gazette*, May 17, 2003, Editorial Page

While many worthwhile projects were approved by the state's Economic Development Grant Committee, the foundation of that committee always was unsound.

The idea of using \$19 million in lottery revenue yearly to pay off \$215 million in bonds to fund a variety of local projects came out of nowhere in the last days of the 2002 legislative session.

Backers of the Wheeling Victorian Outlet Mall were looking for state money after other sources failed — as were backers of a new minor league ballpark in Charleston, after the Legislature refused to let the city increase its hotel-motel tax.

The Wheeling mall needed about \$70 million. The ballpark needed about \$14 million. That left a little more than \$100 million to spread around the state, to gain approval from other legislators. The beauty of the scheme was that an impartial committee would have final approval over what projects got the money, giving legislators across the state incentive to vote for it. You can't win if you don't play, after all.

But that committee turned out to be the plan's undoing. Legislative leaders insisted they select some of the committee members. The state Supreme Court declared Friday that the Legislature's control over the committee violates the separation of powers set up in the state constitution, infringing on executive branch authority.

Legislators and Gov. Bob Wise quickly began discussions of how to "fix" the problem during a special session already anticipated for June, which would allow the state to proceed with selling the long-delayed bonds.

But the Legislature would be better off scrapping the committee entirely and finding legitimate funding sources for the few valid projects that won approval. Let the rest fight for Budget Digest money next year.

Unfortunately, but predictably, the Economic Development Grant Committee had become something of a supersized Budget Digest. Many of the approved projects happened to be in the districts of legislative leaders, even though those projects didn't meet many of the criteria established by the committee.

For instance, the grant committee fully funded a \$1.5 million community-college branch in Lincoln County — in Senate President Earl Ray Tomblin's district. And the community college is run by Tomblin's wife.

Time is running out for several projects approved by the committee. Construction of the Charleston ballpark, for instance, should have started (continued on page 6)

# Clean Elections Post-Session Plans

by Julie Archer, [julie@wvcag.org](mailto:julie@wvcag.org)

Thanks to the work of Citizens for Clean Elections and its member groups, and calls and letters from concerned citizens like you, the West Virginia Clean Elections Act (SB 158 & HB 2527) was given serious consideration by elections subcommittees of both the House and Senate Judiciary Committees during the 2003 legislative session. Although the bill didn't pass during the regular session a legislative interim committee is currently studying the bill. (For interim dates, schedules and a list of committee members go to [www.legis.state.wv.us/legishp.html](http://www.legis.state.wv.us/legishp.html).)

The Citizens for Clean Elections coalition has grown over the past year, and so has support for Clean Elections in the legislature. But the legislature will only pass this reform if the public demands it. While our efforts did not go unnoticed during the regular session, in order for support to truly take root in the legislature, we need to continue to grow our coalition and cultivate more public support. This means we have a lot of outreach and education to do.

A public education campaign is underway to spread the word about the WV Clean Elections Act. As part of this effort we will be holding a series of "Democracy Rescue" forums around the state.

The idea of these forums is to bring together representatives from different groups across the political spectrum to discuss the issues that are important to them, how these issues are affected by the influence of special interest money in our political process and what we can do to help shift the balance of power from the special interests to the public interest. We hope to hold these forums over the course of the summer and we'll let you know the details as things start to take shape.

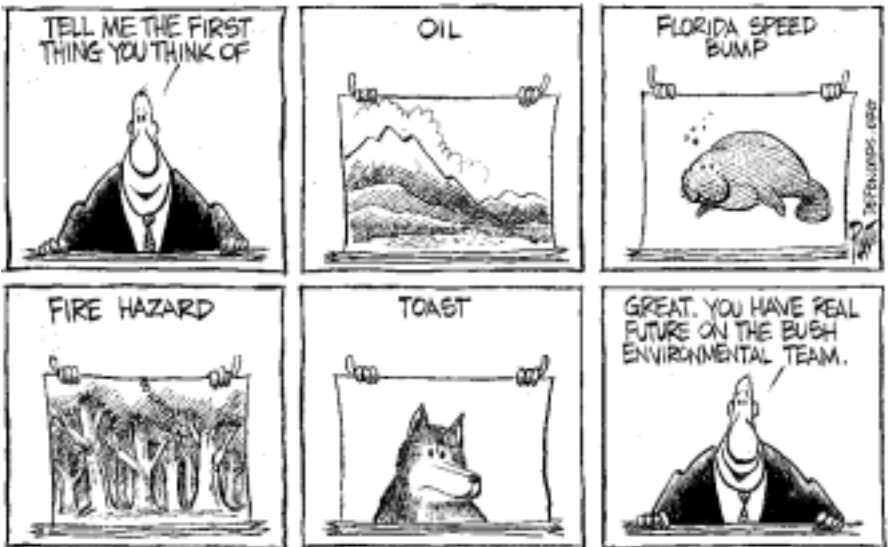
In addition the "Democracy Rescue" forums, Citizens for Clean Elections will continue its outreach efforts by speaking to organizations and groups about the Clean Elections Act. For more information or to schedule a presentation, contact Citizens for Clean Elections Outreach Coordinator, Janet Fout at 304-522-0246 or e-mail her at [ohvec@ezwv.com](mailto:ohvec@ezwv.com).

***Got a neat piece of art that doesn't match your decor? Some pretty jewelry you never get around to wearing? Donate it to WV-CAG's silent auction at our June 13 fundraiser. Call us at 346-5891!***

# PERC Report on 2002 Election Cycle Scheduled for Summer Release

As part of our work for the People's Election Reform Coalition WV-CAG is close to wrapping up data collection and preparing to release a report on campaign contributions for the 2002 election cycle. Once the 2002 database is complete, PERC will have four election cycles worth of data going back to 1996. We have the ability to compare and analyze historical trends in fundraising, and these will be highlighted in our report along with trends for the most recent election cycle. While the report will focus primarily on legislative races, we'll also provide you with the most recent information on what special interests are currying favor with Governor Bob Wise by contributing to his re-election bid.

*"Natural gas is hemispheric. I like to call it hemispheric in nature because it is a product that we can find in our neighborhoods." President George W. Bush*



**...hey, there's an opening now that Christine Whitman is leaving!**

(continued from page 3)

last month, to meet the goal of the Alley Cats owner to begin the 2004 season in a new facility.

If the Legislature tries to craft a technical solution to address the Supreme Court's concerns, more lawsuits undoubtedly will follow, further delaying the grants.

It would be better for the Legislature to determine which of the approved projects are most important, then find real sources of funding for them. For the Charleston ballpark, for instance, the Legislature could allow the city to boost its hotel-motel tax to pay off bonds to build the ballpark.

The Wheeling mall should be allowed to live or die based on the willingness of private investors to step up and risk their money on the venture.

The Economic Development Grant Committee was a bad idea from the beginning. The Legislature should try to salvage the best projects that made it through the process, but the process itself should be scrapped.

**WE NEED YOU! Please** - renew your membership or join WV-CAG today! We rely on donations from our members to make up nearly 50% of our annual budget and we can't do it without your help! Please send what you can!

**Yes, I want to help. Here's my donation.**



- \$25 general membership
- \$50 family membership
- \$100
- \$250
- \$ other \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Send me action alerts at my e-mail: \_\_\_\_\_

Please clip and mail to: WV-CAG, 1500 Dixie St., Charleston,  
WV 25311. THANK YOU!!

# CAG-Bay At A Computer Near You

by Linda Mallet, linda@wvcag.org

Asking for money is no doubt the hardest part about working for a nonprofit organization but we gotta do it. So, we try to do it with a flair, at an event where like-minded progressives can come together and commiserate, eat, relax and have fun.

Our annual fundraiser is Friday, June 13 at the Coonskin Park Clubhouse. Our board and our members donate and prepare the food so we can keep the ticket price to a reasonable \$25 level. You won't go away hungry! Greg Carroll coordinates the feast accentuated with Middle Eastern entrees and salads. Linda Lyter's eggplant parmesan has folks cutting in line, Norm Steenstra's slow-cooked Dutch corned beef tempts even the staunchest vegetarian and homemade desserts, side dishes and other entrees fill out the menu.

**This year, at the risk of copyright infringement, we debut CAG-Bay, our on-line silent auction.** Artists from across West Virginia are donating prints, paintings, pottery and jewelry to the auction and you can bid on these great pieces of art ahead of time. Final bidding takes place at the event but you don't need to be there to win. If you have the highest bid at the auction's close, you get the piece. The auction includes works by Colleen Anderson, Frankie Wheeler, David Pahl, Terry Lively, Clyde Edelman, Mayssan Shora Farra, Linda Roberts, Linda Stone, Kevin Woodcock, to name a few.

To cap off the evening we'll award outstanding members of the progressive community: Dianne Bady, Ohio Valley Environmental Coalition founder; Dan Radmacher, *Charleston Gazette* Editorial Page Editor; and Cecil Roberts, United Mine Workers President. Mr. Roberts is also our keynote speaker.

To find out more about WV-CAG's annual dinner and to see what's in the auction, log on to **www.wvcag.org** or contact Linda at 304-346-5891 or linda@wvcag.org.

*West Virginia Citizen Action Group (WV-CAG) publishes Capital Eye weekly during the Legislative Session and several times during the rest of the year. You can visit our website at [www.wvcag.org](http://www.wvcag.org), call us at 304-346-5891 or e-mail us at [linda@wvcag.org](mailto:linda@wvcag.org) to give us your comments and suggestions and to become a member. Since 1974, WV-CAG has been a nonprofit membership organization dedicated to increasing citizen participation in economic and political decision-making. By educating people about key public interest issues and involving them in the decisions that affect their lives, WV-CAG works for progressive changes in federal, state and local policies - ranging from environmental protection and consumer rights to good government and health care reform. Thank you for your support!*

# **WV Citizen Action Group's Annual Spring Dinner**

**Friday, June 13**

**Coonskin Park Clubhouse**

**If you've been there, done that, you'll want to  
do it again this year!**

5:30 PM - Reception with music and hors  
d'oeuvres

Bid on interesting & eclectic items in Silent  
Auction

6:15 PM - Buffet/Drinks/Mingling/Great Food  
Sample taste delights from our expansive buffet  
~ you won't go away hungry!

7:30 PM - Award Presentations

Dianne Bady - Ohio Valley Environmental Coalition

Dan Radmacher - *Charleston Gazette*

Cecil Roberts - United Mine Workers

Keynote Speaker

Cecil Roberts

**Preview silent auction items, donated by WV  
artists, at [www.wvcag.org](http://www.wvcag.org) & get in on the  
bidding early!**

For more info, call 304-346-5891 or e-mail  
[linda@wvcag.org](mailto:linda@wvcag.org). Tickets ~ \$25.