



## The Perils of “Crossing Over”

by Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

Last week we looked ahead in anticipation of Crossover Day, that day of reckoning when all bills not passed by their house of origin expire. Crossover was Wednesday and now almost all of the progressive legislation we’ve been writing about has indeed expired along with a whole lot of really terrible proposals (see back issues of the *Capital Eye* at [www.wvcag.org](http://www.wvcag.org)). This leaves us to push along some modest improvements in state policy and attempt to roadblock the worst of what’s still moving.

### *Manchin Pulls Plug on Clean Elections?*

Even though as Secretary of State Joe Manchin openly supported the concept of public financing, supporters were taken by surprise when, after putting the bill to apply this option to the Supreme Court on the Senate Finance agenda, Chairman Helmick cited the governor’s proposed “study commission” on judicial selection as the reason it was skipped over and left to die. “Gov. Joe Manchin has put the kibosh on the legislative proposals for public campaign financing of West Virginia Supreme Court races,” speculated [www.WVaBlue.com](http://www.WVaBlue.com), a Democratic political blog. “Word is Manchin wants the legislature to wait until his commission has had a chance to come up with proposals.”

Say it ain’t so, Joe! Don’t let Senator Helmick lay the demise of Clean Elections *this* year on *your* doorstep. After all, he still has blood on his hands from previous sessions where public financing for the legislature died through his neglect. Mr. Governor, show us that you *do* support this progressive election option by appointing someone like Kathy Stoltz, president of the WV League of Women Voters (and long-time supporter of voter-owned elections) to your judicial study commission. Better yet, add this bill to the special session you’ll likely call to get the rest of your agenda passed. Show leadership on this important issue you have supported in the past!

**Disclaimer:** Nothing is really dead until the clock strikes midnight at on Saturday, April 11. Leadership can perform parliamentary miracles and resurrect supposedly failed legislation even at the last hour. (It doesn’t hurt that Easter is the next day either). Don’t be surprised if some of the big boys’ favorites come oozing in through committee amendments or re-emerge in conference committee reports. To be fair though, the ol’ “fat possums” (amendments and bloated conference committee reports approved in the session’s last minutes) have grown thinner since the new House leadership took over.

The governor’s power line tax scheme we slammed last week seems to be running into more resistance than expected. After its public hearing

and prompt passage in House Finance all in one morning last Friday, the bill short circuited in the Rules Committee where it was taken off the active calendar. Remember, though, what I said about the resurrection of bills the big boys really want.

### *Making the Pie Higher II*

Obama’s priorities, as written into his Budget Resolution, are being worked over in Congress this week. The House voted yesterday, along party lines, to approve his budget. The fate of funding for health care reform, education, green energy, and other critical issues now lies with the U.S. Senate and, after its Easter recess, Congress will come back to work out the House and Senate differences in conference. Please continue contacting Senators Byrd (202-224-3954) and Rockefeller (202-224-6472) asking them to support the president’s budget. We want Congress to give the new president the tools he’s requesting to get America back on track and create the Next New Deal. Thanks for making those calls!

### *It Hurts So Good*

It takes a special kind of masochist to lobby at the WV Legislature for progressive policies. It doesn’t matter if it’s good government, environmental, social, or economic policy, it all gets the same lip service. It is especially disappointing that the House of Delegates has not moved some of this session’s very good legislation. Don’t get me wrong, there are some very dedicated and capable public servants behind those desks, just not enough of them to compose a critical mass.

That’s where you come in. Until we change several of the faces at the legislature we’ll continue to be bludgeoned by the forces of greed and avarice. Next year 1/3 of the Senate and every delegate in the House is up for reelection. Look around and let us know of promising candidates for the statehouse. Look in the mirror too. Don’t be shy. Citizen PAC was formed at the end of the last election and will be even more active in the next one. Let’s talk.

### *Last Call*

This is the last *Capital Eye* of the session. Next week watch for e-mail alerts on issues you may want to call about. If you don’t already get our electronic communications, now would be a good time to sign up. You can even make a secure donation on our web page at the same time. Remember it’s your agenda we are supporting at the statehouse and our capacity to continue the fight for progressive reform depends on the generous support of our members.

*Capital Eye* is published by WV-Citizen Action, a nonprofit membership organization founded in 1974 and dedicated to increasing citizen participation in economic and political decision-making. Our members work for progressive changes in federal, state, and local policies by educating people about key public interest issues ranging from environmental protection and consumer rights to good government. Learn more at [www.wvcag.org](http://www.wvcag.org).

## Clean Elections Bill Has Wild Ride

by Carol Warren

This past week was a roller coaster ride for those of us working on the Public Campaign Financing bills. We had really hoped that the friendly House Judiciary Subcommittee A would take up HB 2764. However, a number of elections bills were referred to that subcommittee, as well as some other issues that proved time-consuming, such as the bottle bill. Also, the House bill for Supreme Court candidates (HB3309), in which there was considerable interest, was not introduced until the last minute on March 23.

However, you will remember that the Supreme Court Public Financing Pilot Project (SB311) was passed out of Senate Judiciary last week. We received some excellent support from friendly senators and sponsors of our legislative bill, as well as House allies, in our effort to convince Senate Finance Chairman Walt Helmick (D-Pocahontas) to place the bill on his agenda in time. Thanks to all of you who called him!

We were elated Tuesday morning to find the bill on his agenda, and let our senate supporters know SB 311 was going to be taken up that afternoon. (I have copies of the agenda, suitable for framing!) Julie Archer and I went into the committee meeting feeling upbeat and relatively confident. The meeting was well underway when Del. Tim Manchin (D-Marion) came into the room to let us know the bill had been pulled. Apparently, Governor Manchin is thinking of forming a commission to deal with judicial elections, thought this legislation might "interfere" with the commission's work, and asked Senator Helmick not to take it up.

Of all the outcomes we never expected! A number of our allies were quite upset, and even some opponents told us they were sorry about the way things had happened. We intend to explore ways to obtain representation for the WV Citizens for Clean Elections coalition on that commission.

We will keep you posted on our on-going work to bring clean elections to West Virginia. Thanks for making those calls this session ~ we appreciate your support! And please read on for how you can help at the federal level.....

## Take Federal Clean Elections Action

The Fair Elections Now Act (S.752 and H.R.1826), sponsored by Sens. Dick Durbin (D-Ill.) and Arlen Specter (R-Pa.) and Reps. John Larson (D-Conn.) and Walter Jones (R-N.C.) has been introduced in the 111th Congress.

Under the Fair Elections Now Act, congressional candidates would run for office using a mixture of small donations and limited public funds. Candidates would qualify by raising a set number of small donations from their communities, and agree to not take any large contributions from lobbyists and big money donors. Once qualified, they would receive a four to one match on their ongoing small dollar donations up to a limit.

There has never been a better moment to pass the Fair Elections Now Act. The sponsors are motivated. Our coalition is strong. The President is a past co-sponsor of the bill. We have a solid organizing plan. And, most importantly, the

American people are ready for change. Please call Congress and ask your representatives to support the Fair Elections Now Act.

## THANKS!

This is the final *Capital Eye* for the 2009 Legislative Session. It's a big task to put out a newsletter for eight straight weeks and it wouldn't be possible without the help of many volunteers. Here's a special shout-out to Peter Harris, Rosemary Lockhart, Jeremy Brannon, Craig and Sandy Wanless, Mark Wellons, Rick Zegeer and Marge Michau for all of their help!

We would like to express our gratitude as well to Laura, Cyndi and Maria with The Phillips Group for helping us save postage costs and streamline our mailing process.

Thanks to Mark Wellons for his help in the office and at the Capitol during the session. Mark left us a couple of weeks ago to job hunt in Wisconsin and we wish him well!

And thanks to YOU, our members, for your phone calls and e-mails to legislators, and your generous donations to help us with extra costs during the Legislative Session.

If you don't receive our action alerts, please send your e-mail to [linda@wvcag.org](mailto:linda@wvcag.org) so we can keep you posted during the session's final week.

## We Want To Be Your Friend

You can become a CAG Facebook Friend, at the following link. From there we will keep you posted about upcoming events and more!

<http://www.facebook.com/group.php?sid=b6491c921921b381f7f4008289faea95&qid=148899005356>

## Grant Money Available

Help Sustainable Kanawha Valley Initiative spend \$120,000 in grant money for its upcoming grant cycle. The process involves working with a group that meets monthly for 6 months to hone grants that include economic, social, and environmental sustainability. Individual grants are for \$10,000 and must be under the umbrella of a nonprofit agency. For more information contact Robin Wilson at 346-5891 or [robin@wvcag.org](mailto:robin@wvcag.org)

## Contact Your Representatives!

### WV Senators and Delegates:

The Honorable \_\_\_\_\_  
West Virginia Senate/House of Delegates  
Building 1, State Capitol Complex  
Charleston, WV 25305  
Call toll-free: 1-877-565-3447

On the web: [www.legis.state.wv.us](http://www.legis.state.wv.us) where you can find legislators' e-mails. Or e-mail any legislator at [cglagola@mail.wvnet.edu](mailto:cglagola@mail.wvnet.edu). Type the legislators' names in the subject line.

### The Governor's office:

The Honorable Governor Joe Manchin  
1900 Kanawha Blvd East  
Charleston, WV 25305  
Call toll-free: 1-888-438-2731  
e-mail: [governor@wvgov.org](mailto:governor@wvgov.org)

## Through the Eyes of a Legislative Intern

by Jeremy Brannon

Sitting in on this year's Legislative session has been an eye-opening experience. I got to sit in on committee meetings and floor sessions involving the Bottle Bill and Clean Elections, as well as press conferences. Needless to write, I've come in contact with a lot of politicians who are more concerned with their own special interests, such as businesses and investments, and pleasing the Administration than seeing that the needs of the people are met.

Watching while our bills were being shot down and ripped to shreds by the opposition in committee meetings was very disheartening, if more people, regular folk, were in attendance they may have very well burned their voter registration card after leaving.

Lobbyists that are defenders of the people from WVCAG, Coal River Mountain Watch, OVEC, and E-Council are treated like lepers by many legislators and corporate lobbyists in lieu of "what is best for business". What's even more disappointing is that the issues and bills being pushed by the good guys are often swept under the rug by the media and I'm a firm believer that angry, aware people turn into powerful, angry activists that politicians have to listen to.

I encourage you to spend a day at the Capitol lobbying one of our bills. It's going to take many voices amplified to move the Legislature to pass the people's legislation.

*Jeremy Brannon holds a B.S. in Communications focused on Digital Video Production and Journalism from WV State University and has volunteered at WVCAG since November. Brannon is involved in the local environmental and peace movements.*

## Bad Surface Owners' Bill Dies This Week

by Norm Steenstra III, [norm@wvsoro.org](mailto:norm@wvsoro.org)

While our Surface Owners' bill died along with other legislation on Crossover Day, we are now chasing a bad bill, SB 753. It eliminates a county's ability to make ordinances that prevent "the complete use of natural resources" (coal, oil, gas, and timber). SB 753 shot through the Senate, easily passed out of House Political Subdivisions, and is now in House Judiciary. Please call your delegates and Chairwoman Webster (304-340-3252) to keep this bill from going any further. Calling your county commissioners and asking them not to support the bill would also help. We plan on asking for a public hearing if it makes in on to the House Judiciary agenda.

We have had one success, thanks to Dave McMahan. He was key in getting the Well Spacing Bill (SB 474) killed. At least for the moment we don't have to worry about getting Marcellus Deep Wells classified as shallow wells.

Even though our Surface Owners' Bill of Rights did not get its fair shot, we succeeded in keeping things from getting worse. During the interims, the oil and gas industry declared it liked everything the way it is, yet it has tried to get several bad bills passed. It convinced leadership that nothing needed to be done to protect land-owning and tax-paying West Virginians. We need

to hold leadership accountable and continue to educate our legislators about these issues. Please contact them, tell them your story and remind them that they are elected to represent you.

## Election Bill Wrap Up

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

Of all the election reform proposals introduced this session, only a few managed to pass out of their respective houses ahead of Crossover Day. Among the proposals still working their way through the process are:

**Satellite or Commuter Voting – HB 2464** – would allow counties to designate additional early voting locations in places such as libraries and even the local mall. The bill is now before the Senate Judiciary Committee where its companion, SB 314 stalled earlier in the session. This bill has the county clerks' strong backing. Organizations representing the clerks and other county officials said they had "a lot to borrow from other states that have implemented this successfully." Too bad they didn't have the same attitude toward legislation to allow people to register and vote on the same day during the early voting period.

### Nominating Procedures for Third-Party

**Candidates – HB 2981** – would ease ballot access requirements for third-party candidates by reducing the number of petition signatures required from 2% to 1% of the vote cast for that office in the preceding general election. It would also do away the language prohibiting voters who sign nominating petitions from voting in the primary election and extend the deadline for submitting nominating petitions until August 1 preceding the general election. HB 2981 is now before the Senate Judiciary Committee.

**Voting by Mail – SB 647 & HB 3134** – SB 647 would allow West Virginia's class IV cities — those with fewer than 2,000 residents — to conduct early voting by mail. Similarly, HB 3134 would authorize a vote-by-mail pilot program. Under HB 3134, the Secretary of State selects five municipalities for participation in the pilot project and adopts rules governing the elections by mail.

Among the bills that met their demise on Crossover Day was HB 2864 which would have phased-out the use of direct record electronic (DRE) voting machines. A public hearing on the bill was cancelled and not rescheduled, and the bill was not taken up. As a fallback, we will try to get the Legislature to study this issue during the interims. As DREs near the end of their useful life, they should be replaced with alternative systems to save money and give voters more confidence in the election process.

Finally, one bad bill that survived the "crossover" met its demise yesterday in the House. SB 648, which would have eliminated the requirement that voter-verified paper ballots be counted manually in at least five percent of precincts during the post election canvass, was soundly rejected by the House Political Subdivisions Committee. West Virginia has one of the strongest post-election audit laws in the nation. We're glad the committee voted to keep it that way.

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### Upcoming Events and Actions!

**April 16: Citizens for Clean Elections meeting.**  
10:30AM at the ACT Foundation office at 600 Leon Sullivan Way in Charleston. Please plan to join us for what promises to be some very engaging dialogue about the Legislative Session.

**April 23: U.S. Chemical Safety Board Meeting.**  
6:30PM at West Virginia State University, Wilson Student Union, Room 103. For more information, please contact Maya Nye, Spokesperson for People Concerned About MIC at 304-389-6859 or visit [www.peopleconcernedaboutmic.com](http://www.peopleconcernedaboutmic.com).

### Friends of Weatherization / Economic Stimulus

Help create new jobs, save money, and save the environment - promote the stimulus package weatherization program. West Virginia's funding for low income weatherization went from \$3.2 million to \$37 million a year and qualifying income requirements went from 150% of federal poverty level to 200%. For more information and an application, contact Mary Jarrell [mjarrell@crow.org](mailto:mjarrell@crow.org) or Donna Hoff [dhoff@crowv.org](mailto:dhoff@crowv.org) or contact: Capitol Resources Agency, 950 Kanawha Boulevard East Suite 100, Charleston, WV 25301-3536, (304) 346-6181. If you don't qualify for this program, hire a private energy auditor and home energy conservation retrofitter. Savings on heating and cooling will pay the expense. For a list of local contractors, contact Robin Wilson at [robin@wvcag.org](mailto:robin@wvcag.org)

**May 1: WV-CAG Spring Fundraiser** at the Charleston Woman's Club. Tickets available now for just \$30 (\$10 for students). Join us as we honor Delegate Barbara Evans Fleischauer and OVEC's Vivian Stockman. Enjoy our buffet and dance to the grooves of the Voo-Doo Katz. Contact Linda at 304-346-5891 or [linda@wvcag.org](mailto:linda@wvcag.org) for tickets or if you have an item to donate to the silent auction. We need to have items by April 30 and are happy to come by and pick them up – just call us. Thanks!

### Health Care For All!

Last week's Capital Eye included a form you can fill out to support quality, affordable health care for all. This week, we've made it even easier! Just go to the top of our home page at [www.wvcag.org](http://www.wvcag.org) and fill out our on-line form and submit with a click of your mouse. Help us reach our goal of sending in 500 names to our national affiliate!



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

E-mail: \_\_\_\_\_ Phone: \_\_\_\_\_

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Clip and mail with your check to West Virginia Citizen Action Group, 1500 Dixie St., Charleston, WV 25311 - **THANKS!**

**Donate quickly & securely at <http://www.wvcag.org>!**