



# THE WEST VIRGINIA VOTER

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## PRESIDENT'S REPORT

By Jonathan Rosenbaum, President

The League reported this March that mail-in absentee ballot applications would be sent to every registered voter in WV. We learned, to our disappointment, that the WV Secretary of State (WVSOS) had decided not to continue supporting this precedent for the General Election even though Covid-19 rates are now significantly higher. This resulted in a series of meetings with WVSOS staff where we ended up playing a game of ping-pong with an office unwilling to change their mind.

I even performed some testing of the user interface (UI) for the absentee ballot portal. This is a modification by the vendor, Democracy Live, of the same software (OmniBallot), which was already being used to provide electronic ballot capability for overseas, military and disabled voters. Incidentally, there is a MIT study that has revealed security vulnerabilities for this software. I discovered many UI bugs, one that could easily put the viability of the application in question since it allowed a user to produce an application without an actual reason. While the President of Democracy Live happily thanked me for my bug reports, the fact that these bugs existed at all in a live mission critical software application were troubling. This was not enough to convince WVSOS to revert to sending out applications to everyone. Obviously, I was not able to test the administration interface, but, the UI results draw into question whether the administrative component of this software is working adequately, since the absentee application portal appears to be a quick modification of the core software, with minimal testing by the developers.

We heard many complaints about the electronic signature requirement of the portal since some people found duplicating their hand-written signature difficult to impossible to reproduce. We were provided assurances that an audit by the National Cybersecurity Center for the King Conservation District Board of Supervisor Election using this software demonstrated that the digital signature challenge rate turned out to be lower than

for mail-in ballots. However, the challenge rate for our election remains to be discovered.

Even the legality of secure boxes, where voters could safely drop off ballots without human contact were determined questionable by WVSOS, who left it up to County Commissions to decide if there was a compelling legal reason to provide such boxes, such as a physically closed county clerk office. Sending absentee applications to everyone would have created a level playing field, and provided a physical paper reminder to every voter, even for people with technology and internet capabilities who may have otherwise chosen to use the portal, or printed out (or maybe phoned in for) the application, and mailed, emailed, or faxed it to their respective County Clerk. Instead, sending out applications were left up to organizations, individuals or county clerks to decide on their own strategies. As an example, a political party or candidate could send out the application to their own constituents, excluding people they would rather not have voting. In Monongalia, the clerk decided to include an application in the local newspaper. While we respect this effort, unfortunately, it excluded registered voters who were not subscribed to the newspaper.

The League wants voting to be as easy as possible for all people, and we recognize that voter turnout is higher in universal Vote By Mail (VBM) states, where applications are not required, and ballots are automatically mailed to all eligible voters. It is no mystery that our rural state has a long history of woeful voter turnout, but sometimes we have to go through bad and trying times to become stronger. This is why our League strongly believes that there is an excellent future awaiting WV if it passes better laws, especially ones that make WV a universal VBM state. Please visit <https://www.votebymailwv.com/> for more information. Vote safely and stay healthy!

## Is It Time To Update West Virginia's Election Laws?

By Kathy Stoltz

Changes in how we voted in the June Primary Election provided challenges for West Virginia voters this fall. As in the Primary, all voters are allowed to use COVID-19 as their reason for voting an absentee ballot this fall. Allowing all voters to choose to vote by mail should become the norm. Sending ballot applications to all registered voters assures that all voters can choose which method of voting works best for them. Unlike the Primary, forms for applying for an absentee ballot were not sent to all registered voters for the November 3 election. At least two counties did so for their voters. All other voters had to get an application by calling or emailing their county clerk, downloading the form and mailing it in, or using the new portal on the Secretary of State's website.

The portal was intended to be an easy option for voters and to relieve the work load on clerks. Many West Virginians were unable to use it because they lacked the necessary devices or internet access, and others were stymied by the requirement for an electronic signature that was to be compared to the signature on file from their voter registration. Although the rate of acceptance was high, the signature comparison had to be done by a person deciding which matched and which didn't.

Voters are supposed to be notified if there is an error and given the opportunity to fix it. Voters also can track their application and their ballot using the *Track Your Ballot* option on the Secretary of State's website. The time lag between applying and being able to track depends on how promptly the county clerk processes requests and ballots.

The prohibition of counties placing secure drop boxes to receive applications and ballots was another change from the Primary. WV counties were permitted to have them for the Primary because of conditions related to the pandemic at that time. Drop boxes are common in states where mail-in voting is the norm and in other states for the convenience of voters. (Some states do not require voters to choose from a list of "acceptable" excuses in order to vote an absentee ballot.) WV Code provides only US mail or in-person delivery to the county clerk as ways to return an absentee ballot. Drop boxes would be particularly helpful to voters who vote close to the date of the election. Since a mailed ballot must be postmarked no later than Election Day and received by the canvass, a drop box would assure that the voter's ballot arrives on time even if the voter is not able to hand deliver it during weekday business hours.

No one expected that we would be having a presiden-

tial election during a pandemic, but we can learn from this experience. Although the turnout wasn't what we might have hoped, we had a Primary Election in which an unprecedented number of West Virginians voted by mail. The date was changed, not all precincts could open, poll workers were scarce, and people who'd never voted absentee figured out how to do it. The accommodations made to make voting more accessible did not result in election fraud or compromise the results.

Some of the changes that would make West Virginia more voter-friendly would require changes to WV Code. The League will be supporting efforts to persuade lawmakers that it's time to update our election laws to make voting more accessible to all West Virginians.

## HEALTHCARE

By Betty Barrett

Health care is an important issue in this election. LWV WV is teaming with local Health Care For All organizations to bring live virtual candidates' meetings to you through the wonders of Zoom. Four counties asked their candidates for state offices, and some federal offices, to answer questions about their views on health care in West Virginia. Sponsors are WV Center on Budget and Policy, WV Citizen Action Education Fund, West Virginians for Affordable Health Care, and the League of Women Voters of WV. Some of these non-partisan programs will be over before this newsletter arrives, but replays are found in the same link as the upcoming events. The link for connection to the meetings and their replays is: <https://www.crowdcast.io/e/health-care-candidate/register>.

The dates are:  
 September 28, 6-7 pm, Wood County  
 October 5, 6-7 pm, Barbour County  
 October 12, 6-7 pm, Kanawha County  
 October 19, 6-7 pm, Cabell County

The League learned that many of the issues of concern to our organizations are held in common, especially universal access to affordable health services. During the 2020 Legislative session we all worked successfully for passage of inclusion of dental care in Medicaid, funding to close the gap in the DD Waiver program's long waiting list, and cap the co-pay for insulin to make it more affordable. We will continue to collaborate during the 2021 session, knowing that more voices will be more effective.

# WV GENERAL ELECTION TIPS AND INFORMATION

By Julie Archer

## Planning to Vote Absentee? Here's What You Need to Know

As you probably know, all West Virginia voters have the option of voting absentee due to concerns about COVID-19. This is the safest option because you can vote from home. However, despite [our efforts to get the Governor and Secretary of State to make the process consistent with the primary](#), for the general election registered voters in most counties won't be mailed an absentee ballot application. Only voters in Lincoln and Ohio counties will be mailed absentee ballot applications.

## Here are your options for requesting an absentee ballot:

- 1). Request a ballot online using the Secretary of State's [absentee ballot application portal](#). While this is a welcome option for those voters who are able to use it, many voters in WV are not able to access it or are just not comfortable using it. Those voters can do one of the following:
- 2). Call or email [your county clerk](#) and ask them to mail an application to you; OR
- 3). Download and print an [application](#) from GoVoteWV.com and return it to [your county clerk](#) by mail or email.

County clerks began mailing ballots to voters on September 18.

To avoid potential delays, request your absentee ballot as soon as possible. As soon as you receive it, complete and mail it in. This will allow ample time for delivery and receipt of your ballot, so that your vote can be counted.

The last day to request an absentee ballot is October 28, although in a letter to the Secretary of State, the General Counsel for the USPS recommended voters submit their request early enough to be received 15 days before the election (October 19). The letter also recommended voters mail their completed ballots a week before the state's due date. In West Virginia, ballots must be postmarked on or before election day (Tuesday, November 3), and be received by the start of canvassing on Monday, November 9.

If you don't want to use the mail to return your ballot, the deadline to hand deliver ballots to your county clerk is Monday, November 2. (Please note that no person may hand deliver more than two absentee ballots and any per-

son hand delivering an absentee ballot is required to certify that he or she has not examined or altered the ballot(s).

If you request an absentee ballot you can still vote in-person, either early or on election day, just be sure to take the absentee ballot with you so that it can be "spoiled" by a poll worker.

## Important Election Dates and Deadlines

- **September 18, 2020** - County clerks begin mailing Absentee Ballots.
- **October 13, 2020** - Voter Registration Deadline
- **October 21 – October 31, 2020** - Early Voting at the county courthouse, annex or designated community voting location during normal business hours and Saturdays 9AM to 5PM.
- **October 28, 2020** - Deadline for Absentee Ballot Requests. Absentee ballot applications received after October 28, even if postmarked, cannot be accepted by law.
- **November 2, 2020** - Deadline to hand-deliver Absentee Ballot to County Clerk's office.
- **November 3, 2020** - General Election Day
- **November 4, 2020** - Absentee Ballots mailed, but without a postmark accepted.
- **November 9, 2020** - (Canvass) - Absentee Ballot postmarked by Election Day accepted if received by start of Canvass.

For more voting information visit [GoVoteWV.com](#).

## CALENDAR

### 2020 Summit on Race Matters

- November 5 - Session 5 on Education & Employment with Keynote Michael Eric Dyson
- December 3 - Session 6 on Housing & Wealth (Keynote TBA)
- For more information and to register visit [racematterswv.tv](#)
- November 12 - WV Environmental Council Annual Meeting
- November 21—LWV WV Board Meeting

# NATURAL RESOURCES REPORT

Submitted by Julie Archer and Helen Gibbins

Since our last newsletter the LWV-WV signed on to the following comments, initiated by the WV Rivers Coalition:

## To the WV Department of Environmental Protection

**Water Quality Standards** - Regarding proposed changes to human health criteria in West Virginia's water quality standards, and opposing DEP's proposal to allow even more dangerous toxins in our water. Although the EPA recommended that DEP update limits on 94 toxins (some strengthen limits, some weaken limits), in the revised water quality standards rule, which is now before the WV Legislature for approval, DEP is only choosing to update limits for 24 toxins – 13 of which would be weakened. It's the position of WV Rivers' and LWV-WV that no toxin limit should be weakened. It's backward thinking to allow even more toxins to be discharged into our water.

The WV Legislative Rule Making Committee was scheduled to take up the rule on September 23, however, LWV-WV and other organizations and individuals responded to an action alert asking them to protect our drinking water and public health and reject any proposals that weaken water protections. The response to the action alert got the committee's attention and they removed discussion of the water quality standards rule from the agenda. We'll let you know when the proposed water quality standards rule is back on the agenda. You can also sign up for water policy updates at [wvrivers.org](http://wvrivers.org).

**General Permit for Small Sewage Disposal Systems** - Urging DEP to strengthen this permit to protect our streams from sewage discharge by increasing the monitoring frequency for fecal coliforms in the wastewater discharge to at least twice per month to demonstrate compliance with the state's water quality standards. More frequent monitoring provides data that will assure compliance with permitted limits. As part of this monitoring we also asked DEP to add monitoring for E.

coli, which is a more accurate indicator of human waste contamination than fecal coliform. Other changes requested, included strengthening language to protect trout streams from chlorination and requiring the use of treatment technologies that protect aquatic life; and revising penalties for water quality violations to match those of the EPA.

## To the US Environmental Protection Agency

**Coal Ash Permit Program** - as it affects West Virginia's groundwater, and in cases of a spill, our streams. The comments expressed opposition to the program because it would put the public's health at risk, especially in WV where residents have the 3rd highest cancer death rate in the nation; and urged the EPA to withdrawal this permit proposal and instead put forward stringent regulations on coal ash disposal sites.

Although coal ash ponds contribute significantly to groundwater contamination, the EPA approved the changes to the permitting program, which was initially intended to force coal fired power plants to treat wastewater with more modern, effective methods in order to curb toxic metals such as arsenic and mercury from contaminating lakes, rivers and streams near their facilities. Power plants represent the largest industrial source of toxic wastewater pollution around the country.

## OTHER NEWS

**NEPA Changes to Take Effect** - The Trump administration's new rules on implementing the National Environmental Policy Act took effect in September. The rule eases the requirements federal agencies must follow to study the environmental impacts of permitted infrastructure and other major work. It also establishes shorter deadlines and changes that make agencies less likely to consider climate impacts.

*Continued on next page*

## NATURAL RESOURCES

*Continued from page 4*

## THE U.S. SENATE MUST PRIORITIZE PROTECTING THE AMERICAN PEOPLE DURING THE PANDEMIC AND SECURING OUR 2020 ELECTIONS

**Citizen's Guide to Climate Change** - A new guide written by West Virginians for West Virginians explains the science of climate change and how it's affecting the Mountain State. The guide is designed for West Virginians who are concerned about climate change and want more information. It details the key impacts of climate change in West Virginia, like flooding; and provides common-sense potential solutions to this global problem. The report is a product of a new coalition, of which LWV-WV is a member, called the West Virginia Climate Alliance. The guide is available for download at [wvrippers.org](http://wvrippers.org). For a printed copy of the guide, contact Perry Bryant at [perrybryantwv@outlook.com](mailto:perrybryantwv@outlook.com).

**WV Receives Water Quality Improvement Grant** - The EPA has awarded \$25 million to West Virginia for water quality improvement projects to address wastewater treatment and stormwater runoff. The award is part of West Virginia's Clean Water State Revolving Fund, which provides municipalities with low interest loans specifically for water quality projects. The state will contribute almost \$5 million, as well. The goal is to improve water quality in the state by reducing the amount of raw or poorly treated sewage from entering ground and surface water. Supported projects include upgrades to wastewater treatment plants and collection systems, replacing failing on-site septic systems with more modern systems, and extending service to underserved communities.

WASHINGTON - League of Women Voters board president Deborah Turner and CEO Virginia Kase issued the following joint statement on rushing the Supreme Court appointment process:

"Four years ago, Senate leaders set a precedent for how the confirmation process for a Supreme Court justice appointee should occur during a presidential election year. In 2016, a Supreme Court seat sat vacant for more than 300 days, showing that there is no reason to rush this process in 2020. If it was too soon then, it's too soon now.

"The American people are in despair during this global pandemic: millions are out of work and more than 200,000 have lost their lives to this deadly virus. It is the duty of our elected officials to provide relief to the American people and ensure all voters can participate in our democracy by safely casting their votes this year.

"Supreme Court justices serve for life and make decisions that impact every American. They require a thorough vetting process that is transparent to the American people. Such a process would be undermined if rushed through.

"Now is not the time to rush a lifetime appointment to the United States Supreme Court."

To take action go to: [http://participate.lwv.org/c/10065/p/dia/action4/common/public/?ac-tion\\_KEY=13995&utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=092920](http://participate.lwv.org/c/10065/p/dia/action4/common/public/?ac-tion_KEY=13995&utm_source=newsletter&utm_medium=email&utm_campaign=092920)

LWV WV candidate questionnaires can be found at <https://voters-guide.lwv.org/>

## CELEBRATIONS OF THE CENTENNIAL OF THE PASSAGE OF THE 19<sup>TH</sup> AMENDMENT

West Virginia Leagues were active in celebrating the passage of the 19<sup>th</sup> amendment. The WV Secretary of State's office coordinated many of the events around the state and managed a calendar. See - <https://sos.wv.gov/about/Documents/Calendar%20for%2019th%20Amendment%20Celebration%20Events%20Updated%208-24-2020%20V1.pdf>. Carline Shaw, Helen Gibbins, and Vicki Connor served on the statewide planning committee.

On February 22, groups gathered at the state Capitol to feature displays and participate in many of the events of the day. Both the Morgantown-Monongalia and the Huntington Leagues set up tables. Here are some of our local League's activities –

### LWV CHARLESTON MAL UNIT

The Charleston Area MAL hosted a breakfast with legislators in February, on the centennial celebration day.

### LWV HUNTINGTON AREA – A MOTORCADE

In January, representatives from Marshall University departments, Delta Sigma Theta, and the League started planning an August 26 parade; but when the pandemic took over our lives, the parade morphed into a motorcade. On the big day about 70 decorated cars lined up. Helpers distributed flags for cars, Votes for Women sashes, and sacks full of goodies. We watched a 15 minute preview of a longer program on our phones and ended with a Toast to Tenacity. Then the motorcade took off for downtown Huntington and back to Marshall University. The parade ended with Fire Chief Jan Rader driving a fire engine. In the longer program Marshall opera students sang songs of the 1900's and drama students portrayed Sojourner Truth and Alice Paul. Here is a link to the program – <https://youtu.be/bm69WNDvjBU>

The LWV Huntington presented its Readers Theater on the Right to Vote to several clubs. The LWV Huntington also contracted with a local print business to buy suffrage t-shirts.

### LWV OF JEFFERSON COUNTY

The Jefferson County LWV conducted a virtual review of a curated display at the Jefferson County Museum regarding the 19th Amendment. It was really informative and we are excited about sharing it with the public on our website and Facebook page! Feel free to check it out at: <https://lwv-jcwv.org/lwvjc-videos-etc/#lwv-col-19th>

### LWV OF MORGANTOWN MONOGALIA COUNTY

- Marched in the Mon County Fair parade and the WVU Homecoming parade.
- Worked with the consortium of Mon. Co. nonprofits to hang the WV Women Vote banner across High St.
- Sponsored a zoom presentation by Eleanor Smeal, past president of NOW and currently President of the Feminist Majority Foundation, where she discussed the fight for women's rights
- Upcoming zoom presentations from Ilene Evans portraying Coralee Franklin Cook; Becky Cain-Ceperley, past President of the LWVUS and past CEO of the Greater Kanawha Valley Foundation; and Atiba Ellis, Professor of Law at Marquette University.
- Posters and a display which we hope to move around store fronts in the next month or so.

### LWV OF WOOD COUNTY

Back in February (when life was still "normal") Kathy Stoltz spoke to the Junior League of Parkersburg on the 19th Amendment/suffrage history. She also spoke to the Parkersburg Women's Club. For the latter she dressed in all white with a Votes for Women sash. Another was scheduled and rescheduled and then canceled with a local DAR chapter, but it may happen next year if they are able to have in-person meetings again.



Decorations on Nyoka Chapman's car, LWV Huntington

## League of Women Voters Mourns the Passing of Justice Ruth Bader Ginsberg

League of Women Voters president Deborah Turner and CEO Virginia Kase issued the following joint statement on the passing of Supreme Court Justice Ruth Bader Ginsburg:

“It is with deep and profound sadness that the League of Women Voters mourns the passing of Justice Ruth Bader Ginsburg. A fierce advocate for women’s rights and civil rights, Justice Ginsburg’s vision for America transcended race, age, gender, and economic lines. She was a beloved champion of justice for all.

“Early in her career, she was a trailblazer who challenged the status quo and bucked tradition, upending gender norms and societal expectations of women through her strategic litigation approach. When she was denied opportunities, she created her own and ensured that the door was opened for others.

“Over Justice Ginsburg’s 27-year service on the United States Supreme Court, she was a champion of the Constitution, famously penning a stirring defense of the Voting Rights Act in her dissent to the Court’s *Shelby County v. Holder* decision and the Court’s opinion in the *United States v. Virginia*, which struck down Virginia Military Institute’s male-only admissions policy.

“Justice Ginsburg’s wisdom, determination, and dedication to equal rights embodied the League’s belief in the power of women to create a more perfect democracy. She touched each and every one of our lives. May she rest in power.”

### EDUCATION REPORT

Submitted By Shirley Rosenbaum

## Children Eligible for Books Monthly

Dolly Parton’s Imagination Library is sending free reading materials to children. In Monongalia County 2,000 children are signed up, and in Preston County 1,180 are signed up. The United Way is working with both counties. The program delivers one free, high quality age appropriate book monthly to children from birth to five years of age.

Dolly Parton started this program in 1995 to promote a love of reading. Her own father was unable to read or write! More than 1.6 million children are now registered in

the U.S., Australia, Canada, Ireland and the United Kingdom. Women United fundraise yearly to keep the program fluid. The cost to sponsor a child is \$25 or \$125 for the full five years. To sign up visit [unitedwaympc.org/dpil](http://unitedwaympc.org/dpil) and click “sign up.”

*Dominion Post 8/20*

## Report: Up to 4 months of ‘COVID slide’ learning loss expected in K-5

An analysis from [Illuminate Education](http://illuminateeducation.com) found coronavirus school closures will likely cause a “COVID slide” of two to four months of learning loss, but the gaps are expected to be less pronounced in students who frequently interacted with teachers than in those who did not.

The research suggests students will have significant gaps in reading and math, with reading loss of about two months across the K-2 grades, but greatest for kindergartens. Oral reading fluency loss is expected to be most pronounced among 5<sup>th</sup>-graders.

Math gaps are expected to be highest across all K-5 grades, with projections showing four months of learning loss. The report recommends educators plan a “multi-tiered system of supports” to address the anticipated learning gaps, with fall screenings as a critical component in determining each student’s level of learning loss level, and more time spent on reading and math in early grades to bridge the gaps in those core subjects.

*Education Dive, Shauna De La Rosa, 8/31/2020*

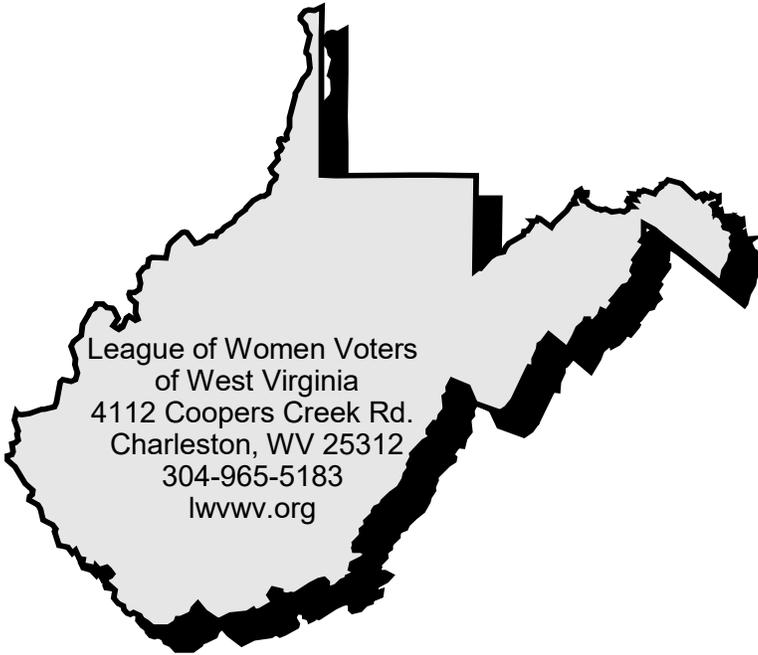
## FROM WV CAG—Take Our Healthcare Survey

Many of us were already struggling to get healthcare, before this global pandemic uncovered even more gaps in the system. West Virginians continue to fall through the cracks. **What should we do next to fix our broken healthcare system? Tell us what you think and Share Your Health Care Story!**

**Take the survey at: <https://tinyurl.com/yxnsyqrv>**

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Teresa Koon  
 Editor

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