

## **The Constitution Party of West Virginia supports Amendment 1**

### **West Virginia Amendment 1,**

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

Clarifying that courts have no authority or jurisdiction to intercede or intervene in or interfere with impeachment proceedings of the House of Delegates or the Senate; and specifying that a judgment rendered by the Senate following an impeachment trial is not reviewable by any court of this state.

The constitution gives the sole power of impeachment to the House of Delegates and the sole power to try impeachments to the Senate. The amendment would simply clarify that “no court of this state” has any role at all, either in impeachment proceedings or in review of the outcome.

The court acted improperly in 2018 when the Supreme Court of Appeals prevented the Senate from conducting an impeachment trial of Supreme Court Justices when temporary (substitute) justices ruled that the impeachment proceedings violated the state constitution's separation of powers clause. This is a ludicrous claim since the constitution allows that, “Any officer of the state may be impeached for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor.”

This clarification is necessary to prevent any future errors of this kind.

## **The Constitution Party of West Virginia opposes Amendment 2**

### **West Virginia Amendment 2**

**Property Tax Modernization Amendment** To amend the State Constitution by providing the Legislature with authority to exempt tangible machinery and equipment personal property directly used in business activity and tangible inventory personal property directly used in business activity and personal property tax on motor vehicles from ad valorem property taxation by general law.

First: Don't be fooled. Although formally named the “Authorize Tax Exemptions for Vehicles and Personal Property Used for Business Amendment,” it does not authorize a single exemption; it only authorizes the Legislature to consider the matter sometime in the future.

Second: Even though West Virginia has had Billion Dollar surpluses in recent years, there is actually no plan or incentive to reduce the tax burden on regular citizens.

As Governor Justice has said, the only reason the vehicle tax is included in Amendment 2 is to “get your vote.” What the Legislature wants is the constitutional ability to eliminate taxes on property, equipment and inventory used in business and manufacturing. They view this tax as a hindrance to business which discourages new business from locating in the state and they currently use an exemption of this tax as an incentive for new businesses to start up or move here.

Third: Property tax is a county tax, administered by the counties. IF the Legislature were inclined to reduce our tax burden, it could easily – and without changing the constitution – have reduced the state income tax. The House has voted three times to reduce the state income tax but the Senate opposed it every time. Why are senators so unwilling to work within their own sphere of authority, attempting instead to commandeer the authority of counties and supplant the officials that are closer to the people?



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## **The Constitution Party of West Virginia (strongly) opposes Amendment 3**

### **West Virginia Amendment 3**

**Incorporation of Churches or Religious Denominations Amendment** To authorize the incorporation of churches or religious denominations.

The current/original wording of West Virginia Constitution, Article 6, Section 47:

*“No charter of incorporation shall be granted to any church or religious denomination. Provisions may be made by general laws for securing the title to church property, and for the sale and transfer thereof, so that it shall be held, used, or transferred for the purposes of such church, or religious denomination.”*

Question 1: Why does the Legislature want this amendment passed?

Perhaps it is to bring the constitution in line with W Va Code. Yes, that’s the opposite of proper law-making. But. . . .

When HB 2899 (The West Virginia Nonprofit Corporation Act) was passed in 2002, it contained this line: “(b) No charters or certificates of incorporation may be granted or issued to any church or religious denomination.” Yet, somehow, that line is omitted from Code (Chapter 31E), and "religious" is inserted as a lawful purpose. Every single church incorporation in this state is illegal because it is unconstitutional.

Question 2: What about separation of church and state?

The founders of our constitutional republic and of our state clearly believed that churches must be free of government control. Corporations, however, are creations of government and must operate under its prescribed laws.

The West Virginia Nonprofit Corporation Act (2002, HB 2899) is a gargantuan law that, I’m fairly certain, covers every aspect of running a church that was left out of the Bible. It is a fundamental truth that if our laws are in accordance with God’s laws then that can bring blessings and the other can bring cursings.

Question 3: Is incorporation necessary to become a 501 C(3) with the IRS?

Why would a church even want 501 C(3) status? An incorporated church might become “tax exempt” (subject to the whims of the government and the bureaucrats running it) but an unincorporated church is “non-taxable” under the First Amendment to the U.S. Constitution which maintains that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; ....”

## **The Constitution Party of West Virginia supports Amendment 4**

### **West Virginia Amendment 4**

**Education Accountability Amendment** The purpose of this amendment is to clarify that the rules and policies promulgated by the State Board of Education, are subject to legislative review, approval, amendment, or rejection.

The Legislature has “rule-making review” of every department except education which calls itself a “fourth branch of government.”

We would rather have education decisions made by someone more accountable to parents and voters yet we’re not sure that “politicians” will do a better job than the education establishment. Ideally, we would like a “third option” that would restore the voters’ ability to *elect* the Superintendent of Free Schools. That might happen next year, but this year we must settle for constraining the Board of Education through Legislative oversight.

One thing for certain is that the current education system is not providing the rigorous academics and the incentives for achievement that parents are asking for.



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