

Open Session West Virginia

January 28, 2021

The Honorable Senator Craig Blair, President
West Virginia State Senate

The Honorable Delegate Roger Hanshaw, Speaker
West Virginia House of Delegates

(Submitted via Email)

Dear President Blair and Speaker Hanshaw,

When the 2021 Legislative Session begins on February 10, the undersigned organizations encourage legislative leaders to take all necessary steps to assure an open and transparent session that allows for meaningful access to and input from all interested members of the public. Every West Virginian has a vested interest in ensuring that the legislative process is open to the public. Our organizations, representing thousands of West Virginians across this great state, are joining together to ask that you hold an Open Session.

The health and safety of all people — legislators, staff members, and citizens — must come first. We appreciate the priorities and procedures already put in place by health and public safety leaders to ensure that holding the legislative session does not exacerbate the ongoing pandemic. It is equally important to prioritize efforts that allow members of the public to have meaningful input during the legislative process. As you know, the input of those affected by proposed legislation is essential to good decision making on the part of our elected leaders, as well as a vital activity to our democracy. It is important that legislators, who were elected by the people of their districts to represent their interests, give every constituent the same opportunity to make their views known.

In short, the Legislature is accountable to the citizens of West Virginia and is responsible for ensuring an open and transparent process.

We formally request that the Legislature commits to an Open Session. In doing so, we request you enact the following measures:

1. Require that face masks, social distancing, and hand cleanliness measures are in place.
2. Ensure that members of the public have COVID-safe options for accessing the legislative session and their elected representatives, including virtual and phone options to schedule and access meetings. For example, establishing “office hours” to promote public access, and distributing information materials via the Clerk’s Office, has been suggested by

Senate leadership. Many West Virginians do not have sufficient broadband access or may not have a computer or smartphone that would allow them to access zoom or video, making a phone option essential.

3. Require the electronic posting of agendas for committee meetings prior to the meeting to allow affected parties and constituents to provide input, and require that no bill be considered in a committee — including originating bills — unless proper public notification was provided prior to the meeting.
4. Ensure the process for conducting and requesting a public hearing continues to adhere to the provisions of House Rule 84, and issue clear guidance on how citizens may electronically request and participate virtually in a public hearing in accessible ways. Require that public hearings, if requested and conducted, provide an opportunity for virtual participation.
5. Require that all committee meetings be conducted over an accessible, easy-to-use virtual platform, that includes an option for members of the public to participate through video conferencing and/or by phone. If there are technical difficulties to prevent members of the public from meaningfully participating, the meeting should not continue until the technical issue is resolved. The technology utilized should allow the recording and playback of each meeting.
6. In the event a legislator, staff member, or visitor tests positive for COVID-19, work with medical experts to implement contact tracing and give public notice, as appropriate, to ensure anyone potentially affected knows to be tested.

Thank you for your consideration of these vital requests. We sincerely appreciate your commitment to upholding the public's right to an Open Session. We are all committed to supporting your efforts to ensure an open and transparent legislative session while protecting the health and safety of everyone involved. We will continue to suggest technical solutions and assist with public outreach as needed. By working together we can preserve our democratic processes during these difficult and challenging times.

With gratitude,

ACLU of West Virginia
AFT Boone County #6101
American Friends Service Committee
Callahan Counseling Services
Eastern Panhandle Green Coalition
Energy Efficient West Virginia
Fair Shake Network
Fairness West Virginia

Families Leading Change
Fayette County Democrat Executive Committee
For West Virginia's Future
Jefferson County Branch NAACP
Jefferson County Foundation
Kanawha Valley NOW
League of Women Voters of West Virginia
League of Women Voters-Morgantown/Monongalia County
Morgantown NOW
Morgantown/Kingwood Branch of the NAACP
Mountain State Justice
Mountain Lakes Preservation Alliance
NAACP Martinsburg Berkeley County
National Association of Social Workers West Virginia Chapter
Ohio Valley Environmental Coalition
Our Future WV
Planned Parenthood South Atlantic
Rise Up WV
TEAM for WV Children / Prevent Child Abuse WV
West Virginia Center on Budget and Policy
West Virginia Chapter of the National Organization for Women (WVNOW)
West Virginia Coalition Against Domestic Violence
West Virginia Council of Churches
West Virginia Environmental Council
West Virginia Rivers Coalition
West Virginia Senior Legal Aid, Inc.
West Virginia Sierra Club
West Virginians for Affordable Health Care
WV Citizen Action Group
WV Citizens for Clean Elections
WV Ed 101: LEArning from the Community
WV FREE
WV Working Families Party

CC: Senate Majority Leader Sen. Tom Takubo
CC: Senate Minority Leader Sen. Stephen Baldwin
CC: House Majority Leader Del. Amy Summers
CC: House Minority Leader Del. Doug Skaff