

# 2023 LEGISLATIVE SCORECARD



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## FELLOW MOUNTAINEERS



I hope you find our 2023 Americans for Prosperity-West Virginia (AFP-WV) Legislative Key Vote Scorecard informative and useful for keeping up with the significant legislative action from this past session. The Legislative Key Vote Scorecard represents our

effort to ensure that government is both transparent and accountable to the people.

AFP-WV is committed to changing the trajectory of our state and country by enacting policy that focuses on core American principles. By reigniting the American Dream and unleashing prosperity for all we can make our communities a better place to live, work and raise a family. Our philosophy is simple, we move society forward by empowering people, not the government, to realize their full potential. Despite all the wins we have had in the Mountain State, special interest groups continue their misguided efforts to keep in place a rigged status quo at the expense of every West Virginian.

To carry out this paradigm shift, we must continue to elevate the voices and concerns of our citizens to embolden elected officials to pass transformational policies that benefit our communities, state, and country. With our Pathway to Prosperity Legislative Agenda, AFP-WV offers solutions backed by proven policies that tackle the state's most critical challenges to achieve much needed change.

We will continue to urge principled leaders to adopt common-sense policy solutions, that deliver on the promise of improving the lives of every West Virginian. Our 2023 Legislative Key Votes Scorecard highlights how your lawmakers stood on critical policies from our Pathway to Prosperity Legislative Agenda, to help you hold them accountable for their positions.

Sincerely,

**JASON HUFFMAN**  
*West Virginia State Director  
Americans for Prosperity*

## SCORING METHODOLOGY

✓ = Voted with AFP-West Virginia's position

✗ = Voted against AFP-West Virginia's position

NA = Absent



## EXPLAINING THE PROCESS

Every year, AFP-WV releases an updated version of our Pathway to Prosperity Legislative Agenda. The Pathway to Prosperity is a comprehensive policy agenda that is meant to act as a roadmap for policymakers. It embodies the proven policy solutions that will change the state's status quo and help our fellow Mountaineers reach their full potential. Launched in 2019, the policy agenda seeks to elevate and amplify the voices of West Virginians across the state who want to remove the barriers that are holding them back. We believe these issues put us on a path towards reigniting the American Dream in the Mountain State.

We work with legislative leaders of both parties to enact the much-needed reforms we outline in the Pathway to Prosperity. When one of these policies is up for a vote in committee or on the floor, we send a Key Vote Alert to every member of the legislature indicating our support for the bill being decided upon. In some instances, we ask lawmakers to vote against legislation that will be detrimental to creating the conditions for a new and stronger West Virginia in which everyone can reach their full potential.

At the same time, we advocate for policies during the session through the use of our Key Vote Alerts and by connecting citizens with their lawmakers on the issues at hand. We monitor how lawmakers vote, and we use our annual scorecard to let folks know how their elected officials voted on some of the most critical issues from each legislative session. This helps to increase government transparency, get citizens engaged in the legislative process, and to inform lawmakers on the issues.

# KEY VOTES | 2023 REGULAR SESSION

JANUARY 11, 2023—MARCH 11, 2023

## ECONOMIC PROGRESS

### HB 2526 | Relating to reducing the personal income tax

*Passage*  
*Lead Sponsor: Hanshaw, Skaff (at the request of the Executive)*  
*AFP's Position: Support*  
*Outcome: Completed Legislative Action*  
*House RCS# 483 | Senate RCS# 282*

Thanks to principled lawmakers and Governor Jim Justice, we enacted the largest tax cut in state history. By keeping their longstanding promise to provide transformational income tax relief, policymakers have put well over half a billion dollars back into the pockets of hardworking West Virginia tax payers. Even more exciting, the law puts triggers in place to further reduce income tax rates, when the state has surplus revenue, putting West Virginia on a pathway to eventually totally phasing out the income tax.

### HB 2526 | Relating to reducing the personal income tax

*House concurrence with Senate amendment*  
*Lead Sponsor: Hanshaw, Skaff (at the request of the Executive)*  
*AFP's Position: Support*  
*Outcome: Adopted*  
*House RCS# 482 | Senate RCS# N/A*

This is the vote in which the House of Delegates concurred with the compromise tax cut plan devised by House and Senate leaders, and Governor Justice.



### SB 59 | Requiring work search activities to qualify for unemployment benefits

*Passage*  
*Lead Sponsor: Takubo*  
*AFP's Position: Support*  
*Outcome: Passed Senate*  
*House RCS# N/A | Senate RCS# 59*

SB 59 would have ensured unemployment assistance is utilized by those who desire to remain in the West Virginia workforce. This legislation required recipients actively pursuing employment opportunities to continue to receive benefits. Updating West Virginia's policies would have allowed continued assistance while also ending overuse and misuse by some. Abuse places financial burdens on taxpayers and businesses while undermining our state's economic future.

## FOUNDATIONAL EDUCATION

### HB 2596 | To modify when a nonresident student's transfer may be denied

*Passage*  
*Lead Sponsor: Toney*  
*AFP's Position: Support*  
*Outcome: Completed Legislative Action*  
*House RCS# 195 | Senate RCS# 216*

HB 2596 reinforces the state's Open Enrollment law by ensuring the ability for public school students to transfer to any public school they wish to—regardless of the student's residential assignment—so long as the school has a seat for them. The policy covers both transfers inside and outside of the county. It also prohibits schools from charging tuition to transfer students. H.B. 2596 is yet another example of how West Virginia is leading the way when it comes to reimagining education by taking bold steps to empower parents and ensure every child has access to the education that best suits their unique needs regardless of their income level or ZIP code.

## HEALTH CARE

### SB 613 | Repealing Certificate of Need for Hospital Services

*Passage*  
*Lead Sponsor: Maroney*  
*AFP's Position: Support*  
*Outcome: Completed Legislative Action*  
*House RCS# 606 | Senate RCS# 492*

Certificate of Need (CON) laws are a permission slip from a governmental board that arbitrarily prevents our trusted medical providers from expanding new health care services. In a state where 53 out of 55 counties have health care shortages, blocking or slowing down additional care is unacceptable. Thankfully, S.B. 613. repeals CON for all hospital services provided on the hospital's campus which starts to undo the negative impacts of West Virginia's CON laws. By passing this measure, we can provide flexibility to our hometown medical providers and create more high-quality health care access at an affordable price for every Mountaineer. Lawmakers should continue to work on repealing all remaining CON laws for all types of medical services.

### HB 2613 | Relating to the administration of anesthetics

*Passage*  
*Lead Sponsor: Summers*  
*AFP's Position: Support*  
*Outcome: Passed House*  
*House RCS# 63 | Senate RCS# N/A*

HB 2613 would have empowered highly qualified nurse anesthetists to deliver critically important services without duplicative red tape standing in the way. This would have dramatically expanded access to health care for families and communities. Thanks to the emergency actions taken by Governor Justice, nurse anesthetists were already delivering lifesaving care throughout the state to combat COVID-19. This legislation would have allowed these well-trained professionals to continue to deliver that care to underserved communities on a permanent basis.

## FREE SPEECH

### SB 121 | Creating Student Journalist Press Freedom Protection Act

*Passage*  
*Lead Sponsor: Azinger*  
*AFP's Position: Support*  
*Outcome: Completed Legislative Action*  
*House RCS# 637 | Senate RCS# 576*

SB 121 ensures that student journalists on school-sponsored media are protected by the First Amendment guarantees of freedom of speech and the press. Without the protections within S.B. 121, public university and high school administrators could potentially silence or suppress student journalists' free speech rights. Under current law, student journalists have no course of action when administration prevent the publication of materials administrators may disagree with or want to suppress to avoid embarrassment and, in some instances, even retaliating against journalism students, teachers and advisers. In light of recent trends across the country, it is important that student journalists are able to hold public school administrations accountable, particularly in the high school and college setting.

## JUSTICE REFORM

### HB 3445 | Relating generally to probation and parole

*Lead Sponsor: Nestor*  
*AFP's Position: Support*  
*Outcome: Passed House*  
*House RCS# 309 | Senate RCS# N/A*

HB 3445 would have work helped alleviate some of the pressures on our probation and parole system by giving more flexibility to supervising officers and the individuals under supervision. The bill would have allowed probationers to earn incentives for complying with their terms of supervision and paying their financial obligations. It would also have granted officers authority to revoke this earned time if individuals are not complying with their terms of supervision. This "carrot and stick" approach is backed by evidence and has been implemented in many other states, such as Texas, Mississippi, Kentucky, and South Carolina.

# HOUSE VOTES

✓ = Voted with AFP West Virginia's Position ✗ = Voted Against AFP West Virginia's Position NA = Absent

	Adkins, David (R)	Anderson, William (R)	Barnhart, Trenton (R)	Bridges, Jordan (R)	Brooks, Eric (R)	Burkhammer, Adam (R)	Butler, Jim (R)	Cannon, Jarred (R)	Capito, Moore (R)	Chiarelli, Eugene (R)	Clark, Wayne (R)	Coop-Gonzalez, Elias (R)	Cooper, Roy (R)	Criss, Vernon (R)	Crouse, Kathie (R)
District	30	10	9	33	45	64	18	21	55	78	99	67	40	12	19
HB 2526   RCS #483	✓	✓	✓	NV	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
HB2526   RCS #482	✓	✓	✓	NV	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓
HB2596   RCS #195	✓	✓	✓	NV	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
HB2613   RCS #63	✓	✓	✓	NV	✓	✓	✓	✗	✗	✓	✓	✓	✓	✗	✓
HB3445   RCS #309	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓
SB121   RCS #637	✓	✓	✓	NV	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
SB613   RCS #606	✓	✓	✓	✓	✓	✓	✓	✗	✓	✗	✓	✓	✓	✓	✓

	Dean, Mark (R)	Devault, Mike (R)	Dillon, Henry (R)	Dittman, Lori (R)	Ellington, Joe (R)	Espinosa, Paul (R)	Fast, Tom (R)	Fehrenbacher, Bob (R)	Ferrell, Dana (R)	Fluharty, Shawn (D)	Foggin, Dave (R)	Forsht, Don (R)	Foster, Geoff (R)	Garcia, Joey (D)	Gearheart, Marty (R)
District	34	74	29	63	38	98	51	11	60	5	14	91	20	76	37
HB 2526   RCS #483	✓	✓	✓	✓	✓	✓	✓	✓	NV	✓	✓	✓	✓	✓	✓
HB2526   RCS #482	✗	✓	✓	✓	✓	✓	✓	✓	NV	✗	✓	✓	✓	✗	✓
HB2596   RCS #195	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓
HB2613   RCS #63	✓	✓	✗	✓	✗	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓
HB3445   RCS #309	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗
SB121   RCS #637	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓
SB613   RCS #606	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓

	Griffith, Ric (D)	Hall, Anita (R)	Hall, Walter (R)	Hanna, Caleb (R)	Hansen, Evan (D)	Hanshaw, Roger (R)	Hardy, John (R)	Heckert, Scot (R)	Hillenbrand, Rick (R)	Hite, Michael (R)	Holstein, Josh (R)	Honaker, Mike (R)	Hornbuckle, Sean (D)	Hornby, Michael (R)	Horst, Chuck (R)	Hott, John (R)	Householder, Eric (R)	Howell, Gary (R)	Jeffries, Dean (R)	Jennings, Buck (R)
27	36	58	48	79	62	97	13	88	92	32	46	25	93	95	85	96	87	61	84	
✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NV	✓	✓	✓	✓	
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	Keaton, Riley (R)	Kelly, David (R)	Kimble, Laura (R)	Kirby, Todd (R)	Kump, Larry (R)	Linville, Daniel (R)	Longanacre, Todd (R)	Lucas, Patrick (R)	Mallow, Phil (R)	Marple, Keith (R)	Martin, Carl (R)	Maynor, Jordan (R)	Mazzocchi, Margitta (R)	McGeehan, Pat (R)	Miller, George (R)	Nestor, Ty (R)	Petitto, Mickey (R)	Phillips, Chris (R)	Pinson, Jonathan (R)	Pritt, Chris (R)
15	8	71	44	94	22	47	24	75	69	65	41	31	1	90	66	70	68	17	53	
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
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# HOUSE VOTES

	Pritt, David (D)	Pushkin, Mike (D)	Reynolds, Charlie (R)	Ridenour, William (R)	Riley, Clay (R)	Rohrbach, Matthew (R)	Ross, Mark (R)	Rowe, Larry (D)	Shamblin, Andy (R)	Sheedy, Charles (R)	Skaff, Douglas (D)	Smith, Doug (R)	Statler, Joe (R)
District	50	54	6	100	72	26	28	52	59	7	57	39	77
HB 2526   RCS #483	✓	✗	NV	✓	✓	✓	NV	✓	✓	✓	✓	✓	✓
HB2526   RCS #482	✗	✗	NV	✓	✓	✓	NV	✗	✓	✓	✗	✓	✓
HB2596   RCS #195	✗	✗	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓
HB2613   RCS #63	✓	✓	✓	✓	✗	✓	✗	✓	✓	✓	✗	✓	✓
HB3445   RCS #309	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
SB121   RCS #637	✓	✓	NV	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
SB613   RCS #606	✗	✗	✓	✓	✓	✓	NV	✗	✓	✓	✓	✓	✗

✓ = Voted with AFP West Virginia's Position ✗ = Voted Against AFP West Virginia's Position NA = Absent

	Steele, Brandon (R)	Storch, Erika (R)	Street, George (R)	Summers, Amy (R)	Thorne, Darren (R)	Toney, Christopher (R)	Tully, Heather (R)	Vance, Adam (R)	Walker, Danielle (D)	Ward, Bryan (R)	Warner, Debbie (R)	Westfall, Steve (R)	Williams, John (D)	Willis, Jimmy (R)	Worrell, Evan (R)	Young, Kayla (D)	Zatezalo, Mark (R)
42	4	83	73	89	43	49	35	81	86	82	16	80	3	23	56	2	
✓	NV	✓	✓	✓	✓	✓	✓	✗	✓	✓	NV	✗	✓	✓	✓	✓	
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# SENATE VOTES

✓ = Voted with AFP West Virginia's Position ✗ = Voted Against AFP West Virginia's Position NA = Absent

	Azinger, Mike (R)	Barrett, Jason (R)	Blair, Craig (R)	Boley, Donna (R)	Caputo, Mike (D)	Clements, Charles (R)	Deeds, Vince (R)	Grady, Amy (R)	Hamilton, Bill (R)	Hunt, Mark (R)	Jeffries, Glenn (R)	Karnes, Robert (R)	Maroney, Mike (R)	Martin, Patrick (R)	Maynard, Mark (R)
District	3	16	15	3	13	2	10	4	11	8	8	11	2	12	6
HB2526   RCS #282	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
HB2596   RCS #216	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
SB121   RCS #576	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	NV	✓	✓	✓	✓
SB59   RCS #59	✓	✓	✓	NV	✗	✓	✓	NV	✗	✓	✗	✓	✓	✓	✓
SB613   RCS #492	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	NV	✓	✓	✓	✓

	Nelson, Eric (R)	Oliverio, Mike (R)	Phillips, Rupie (R)	Plymale, Robert (D)	Queen, Ben (R)	Roberts, Rollan (R)	Rucker, Patricia (R)	Smith, Randy (R)	Stover, David (R)	Stuart, Mike (R)	Swope, Chandler (R)	Takubo, Tom (R)	Tarr, Eric (R)	Taylor, John (R)	Trump, Charles (R)	Wakim Chapman, Laura (R)	Weld, Ryan (R)	Woelfel, Mike (D)	Woodrum, Jack (R)
	17	13	7	5	12	9	16	14	9	7	6	17	4	14	15	1	1	5	10
	✓	✓	✓	✓	✓	✓	✓	NV	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
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