

## LABOR CANDIDATES WIN TWO SUPREME COURT SEATS

# ELECTION RESULTS BIG SUCCESS FOR WV WORKING FAMILIES

**Election results for key West Virginia races were an overwhelming success for working families.**

The most significant contested race on the state level was for two seats on the West Virginia Supreme Court of Appeals.

Both Labor endorsed candidates, Menis Ketchum and Margaret Workman, won a twelve year term.

The five person court has been very business oriented with Judges Elliot 'Spike' Maynard and Brent Benjamin having close ties to the coal industry and business groups.

"We now have two solid individuals we can count on, in addition to Judge Joe Albright, to be fair to working families" said Steve Burton, President of the WV State Building Trades.

In addition, Attorney General Darrell McGraw held off a well financed and dirty attack by out-of-state corporations and retained his position.

With a week before the election business groups disclosed they were spending \$700,000 to defeat McGraw and \$400,000

to elect Supreme Court republican candidate Beth Walker.

Other state wide and federal candidates endorsed by Labor, with the exception of Anne Barth's race for Congress in the Second District, easily won.

Of course the big national news was the election of Labor backed Barack Obama for President.

Obama has pledged to protect and strengthen wage laws, tackle the health care crisis without taxing benefits, remove restrictions on workers ability to organize, support project labor agreements, and most importantly address the current economic crisis the country is facing.

All three building trades can-

didates, Orphy Klempa in Ohio County, Dan Poling in Wood County and David Walker in Clay County, won their election to the House of Delegates. However Poling only had a two vote lead after election day. (See related story on page 3).

Overall the WV AFL-CIO figured 83% of endorsed candidates won.



**SENATOR JOE BIDEN** addressed a Charleston crowd at a rally prior to the election along with Senators Jay Rockefeller and Robert C. Byrd as well as Governor Joe Manchin.

## BIG MONEY TRIES TO BUY VOTES

**A huge amount of undisclosed, out-of-state money tried to buy the Attorney General and Supreme Court elections in West Virginia - but narrowly failed.**

In the final week of the election a combined force of business groups reported spending more than \$1 million, most to

defeat Attorney General Darrell McGraw and the remainder to elect Republican candidate Beth Walker to the Supreme Court.

The West Virginia Chamber of Commerce put their names on the ads but the majority of funding came from out of state business groups.

In state filings the Chamber states it would not disclose specifically where they got their money but listed sums from the

U.S. Chamber of Commerce, WV CALA, and the American Tort Reform Association.

Apparently the funding could have come from any individual or corporation as a contribution to each group with no disclosure to the public as to the real source.

The groups hired Mentzer Media Services, Inc. from Maryland, a company perhaps best known for producing the "Swift Boat Veterans" ads at-

tacking Presidential Candidate John Kerry in the 2004 election.

In addition, a Washington DC area group called Center for Individual Freedom spent an undisclosed amount estimated in the hundreds of thousands of dollars to mail postcards and run statewide newspaper ads attacking McGraw.

"McGraw has caught many companies cheating citizens of

*Continued on p. 3*

# THE ACT REPORT

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# BEECH RIDGE WIND PROJECT ADVANCES

**Developers of the Beech Ridge Windmill project went before state regulators last month to show they were in compliance with a number of pre-construction permit requirements.**

In a 900 page document the developer, Invenergy LLC, painstakingly showed how they complied with all 18 requirements imposed by the State Public Service Commission.

Included in the documentation were details on permits from a number of state and federal agencies, property tax information, coordination with local emergency responders, and agreements to connect into the power grid.

The PSC granted conditional approval of the 119 turbine, \$300 million project to be built in Greenbrier and Nicholas Counties in December of 2006.

However the case was challenged and went to the WV Supreme Court.

In June of 2008 the Supreme Court ruled the PSC acted properly when it approved the project.

The ACT division of the West Virginia State Building Trades has intervened in the case in support

of the project.

Developers have signed a Memorandum of Understanding with the Charleston Building Trades that commits to using local union construction workers to build the project.

Once in operation the wind farm will have a 178 megawatt capacity with each turbine capable of producing 1.5 megawatts of electricity.

Project developer Invenergy LLC says they are looking to select a general contractor by the end of the year and start the project next spring.

Phase one of construction will be up to 98 turbines, followed by the remainder at later date.

"They are building in two phases because they need to get the project up and running by the end of 2009 to use federal tax credits," said Wayne Rebich, ACT Representative.

A 14 mile transmission line will be built to an Allegheny Energy sub-station in Nicholas County.

American Electric Power has already signed a long-term power purchase agreement for wind energy with Beech Ridge Energy LLC.

Through the 20-year agreement AEP will purchase all of the output, between 100 and 147 megawatts, from the first phase of the project.



**SHOWING SUPPORT AT the Beech Ridge hearing before the PSC are (from left) Craig Harvey, Laborers Local 1353; Scott Brewer, Carpenters Local 1207; Henry Neal, Laborers District Council; Wayne Rebich, ACT; Donnie Huff and Robbie Church, Operating Engineers Local 132; and Dave Efaw, WV State Building Trades.**

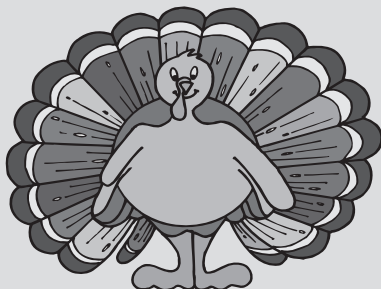
## West Virginian's for Reliable Power



**SPEAKING AT A meeting of West Virginian's for Reliable Power is Roy Smith, former Secretary-Treasurer of the WV State Building Trades.**

**The meeting, November 10 in Bridgeport, focused on the positive impact on the state from the production of electricity and the need for improving our electric transmission infrastructure.**

**HAPPY THANKSGIVING  
FROM THE ACT FOUNDATION**



# EVERY VOTE COUNTS - POLING UP BY TWO

**If you don't think every vote matters talk with Dan Poling, candidate for the WV House of Delegates in Wood County.**

Poling, who is a representative for the Painters Union, was ahead by only two votes when all the ballots were counted on

election day.

But the narrow lead may not be enough.

On Monday, November 10 the Wood County Commissioners, acting as a board of canvassers, met to start the review called a canvas.

After the election each County conducts a canvas to double check vote numbers, open ab-

sentee ballots received since election day, and review challenged ballots.

Absentee ballots without a postmark are accepted if delivered by the post office no later than November 5.

Absentee ballots with a postmark no later than election day and any military and overseas ballots are accepted until No-

vember 10.

According to the Secretary of States office approximately 1.4 percent of ballots cast statewide in the primary were provisional or challenged ballots.

The reason usually is a person who is not on the voting rolls shows up to vote. They may have recently moved or changed their name (when married for example).

About 64 percent of challenged ballots were counted in the primary.

After the canvas is complete the results are declared.

Any candidate can ask for a recount but must post a \$300 bond.

If the recount changes the election results the candidate gets their money back.

But if the outcome stays the same, their money goes to the County.

As the ACT Report goes to press the canvas process was underway.

Two votes behind Poling is another Labor endorsed candidate, Brenda Brum.

"Obviously we would like to see Dan win this election," said Bill Hutchison, Business Manager of the Parkersburg Marietta Building Trades.

"But if Brenda Brum wins we know we will still have a friend in the House of Delegates."

## WV AFL-CIO Endorsed Candidates

**Barack Obama✓ - President**

**Menis Ketchum✓, Margaret Workman✓ – WV Supreme Court**

**Joe Manchin✓ – Governor      Jay Rockefeller ✓ – U.S. Senate**

**Alan Mollahan✓, ~~Anne Barth~~, Nick Joe Rahall✓ – U.S. Congress**

**Darrell McGraw✓ – Attorney General      Natalie Tennant✓ – Secretary of State**

**John Perdue✓ – Treasurer      Glen Gainer✓ - Auditor**

### State Senate

1<sup>st</sup> Jack Yost✓

2<sup>nd</sup> Jeffrey Kessler✓

4<sup>th</sup> Rocky D. Holmes

5<sup>th</sup> Robert Plymale✓

6<sup>th</sup> John Pat Fanning✓

10<sup>th</sup> ~~James McNeely~~

11<sup>th</sup> William R. Laird IV✓

12<sup>th</sup> Douglas Facemire✓

15<sup>th</sup> Clark Barnes✓\*

17<sup>th</sup> Dan Foster✓

14<sup>th</sup> ~~Karen Coria~~, Jeff Martin

15<sup>th</sup> ~~Carl Eastham~~, Jim Morgan✓

16<sup>th</sup> ~~Amy Martin~~ Herenkoht,

Doug Reynolds✓, Dale

Stephens✓

17<sup>th</sup> Don Perdue✓, Richard

Thompson✓

18<sup>th</sup> Larry Barker✓

19<sup>th</sup> Greg Butcher✓, Jeff

Eldridge✓, Ralph

Rodighiero✓, Josh Stowers✓

21<sup>st</sup> Harry Keith White✓

22<sup>nd</sup> Daniel Hall✓, Linda

Goode Phillips✓

23<sup>rd</sup> Clif Moore✓

24<sup>th</sup> ~~Mike Vinciguerra, Jr.~~

25<sup>th</sup> John Frazier✓

27<sup>th</sup> ~~Louis Gall~~, Virginia

Mahan✓, Ricky Moye✓, Sally

Susman✓, Bill Wooton✓

28<sup>th</sup> Thomas Campbell✓, Ray

Canterbury✓

29<sup>th</sup> Tom Louisos✓, David

Perry✓, Margaret Staggers✓

30<sup>th</sup> Bonnie Brown✓, Nancy

Guthrie✓, Bobbie Hatfield✓,

Mark Hunt✓, Sharon

Spencer✓, Danny Wells✓

31<sup>st</sup> Carrie Webster✓

32<sup>nd</sup> ~~Jon Cain Sr.~~, Carmela

~~Ryan Thompson~~

33<sup>rd</sup> David Walker✓

34<sup>th</sup> Brent Boggs✓

35<sup>th</sup> Sam Argento✓

36<sup>th</sup> Joe Talbott✓

37<sup>th</sup> Bill Proudfoot✓

39<sup>th</sup> Bill Hamilton✓

40<sup>th</sup> Mary Poling✓

41<sup>st</sup> Ron Fragale✓, Richard

laquinta✓, Tim Miley✓

42<sup>nd</sup> Mike Manypenny✓

43<sup>rd</sup> Mike Caputo✓, Linda

Longstreth✓, Timothy

Manchin✓

44<sup>th</sup> Barbara Fleischauer✓,

Charlene Marshall✓, Alex

Shook✓

46<sup>th</sup> Stan Shaver✓

48<sup>th</sup> ~~Donna Kuhn~~

50<sup>th</sup> Ruth Rowan✓

52<sup>nd</sup> ~~Mike Roberts~~

54<sup>th</sup> Walter Duke✓

58<sup>th</sup> Tiffany Lawrence✓

\* WV State Building Trades

### House of Delegates

#### Delegates

1<sup>st</sup> Randy Swartzmiller✓

2<sup>nd</sup> Roy Givens✓

3<sup>rd</sup> Orphy Klempa✓, Tal Hutchins✓

4<sup>th</sup> Michael Ferro✓

5<sup>th</sup> Dave Pethtel✓

7<sup>th</sup> ~~Ron Nichols~~

8<sup>th</sup> ~~Charley Webb~~

9<sup>th</sup> ~~Jim Marion~~

10<sup>th</sup> Dan Poling✓, John

Ellem✓, Brenda Brum

12<sup>th</sup> ~~Jo Boggess Phillips~~

13<sup>th</sup> Dale Martin✓, Brady

Paxton✓

## BIG MONEY

*CONTINUED FROM P. 1*

this state and made them repay billions of dollars during his term," said Dave Efav, Secretary-Treasurer of the WV State Building Trades.

"You have to wonder was it these same illegal companies that funded the attack?"

The large sums of corporate money reminded many of the attack led by Massey Coal CEO Don Blankenship against Supreme Court Justice Warren McGraw in the 2004 election.

The WV Legislature, passed a law to regulate spending by independent groups but the law has been challenged in court.

Before the primary election a federal judge ruled the law was vague and interfered with First Amendment rights.

So the legislature revised the bill and passed another version earlier this year.

However the changes were again challenged and again the law was struck down.

On October 17 Federal District Judge Thomas Johnston

ruled against the disclosure law.

The Secretary of States office filed a request to block the order stating the Judges action "will undoubtedly result in a free-for-all of mudslinging campaign attack ads by special interest groups that have no duty to report their expenditures or their sources of funding."

Their prediction was correct.

Within two weeks more than \$1 million was spent to influence the election.

Ironically in making his ruling Judge Johnston pointed to the lack of independent expenditures to make his case writing "the media had reported just this week that virtually no independent expenditures have been made this fall in West Virginia's Supreme Court race..."

Anticipating the courts would side with big business ACT had been running a TV commercial aimed at alerting the public to the barrage of political messages by unknown groups.

The ad basically said "If you don't know who they are, don't believe what they say."

Good advice.

# CANDIDATES WANTED FOR HEAVY DUTY EQUIPMENT OPERATOR APPRENTICESHIP

**Operating Engineers Local 132 is looking for qualified candidates for their heavy duty equipment operator apprenticeship program.**

The three year program focuses on all aspect of operating heavy equipment including bulldozers, backhoes, cranes, and

excavators.

"We focus on safety and productivity," said Charles Parker, Training Director.

Each year an apprentice spends five full weeks at the training center located just south of Parkersburg, most of which is during the winter months.

Apprentices must also get at least 1,000 hours of paid on the job training each year.

Applications will be accepted at any Workforce West Virginia Center starting December 1 through December 12, between the hours of 9:00 am and 3:00 pm Monday through Friday.

In order to qualify a person must be at least 18 years old, have a high school diploma or GED and have been a resident of WV for at least one year.

In addition a successful ap-

plicant will have a valid WV drivers license, and be physically able to perform the work of the trade.

An aptitude test will be given at the Workforce Center and a drug test may be required at a later date.

The recruitment, selection,

employment and training of apprentices shall be without discrimination because of age, race, color, religion, national origin, or sex and will conform to ADA regulations.

For more information call training Director Charles Parker at (304) 273-4852.

## NATIONAL COMMISSION FOR THE CERTIFICATION OF CRANE OPERATORS MEETS IN WV



**OPERATING ENGINEERS TRAINING Coordinator Chuck Parker (standing) participates in a meeting of the National Commission for the Certification of Crane Operators (NCCCO). The national group comprised of contractors, equipment manufacturers, labor and training representatives held their semi-annual meeting in Charleston for four days in late October.**

**NCCCO is a non-profit organization formed to develop effective performance standards for safe crane operation to assist all segments of general industry and construction.**

**In 2001 West Virginia was the first state to adopt the NCCCO standards in legislation requiring crane operators to be certified. Now, 11 of 16 states requiring crane operators to be licensed use the NCCCO standard.**

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