



Marty Gearheart

House of Delegates District HD-037
Republican

Contact: (304) 340-3179
1900 Kanawha Blvd. E. Charleston, WV 25305



[View Online](#)

This legislator voted constitutionally on **50%** of the votes shown below.

★ Pro-liberty ✗ Anti-liberty ? Did not Vote **Vote**

1. HB2007 Ban on Sex Mutilation of Children (passed 88 to 10 on 3/11/2023). Bans a physician from providing “irreversible gender reassignment surgery” or “gender altering medication” to a person who is under 18 years of age. **Yes**

2. HB2862 Prohibiting State Funds for ESG Initiatives (passed 73 to 23 on 3/11/2023). Prohibits the West Virginia Investment Management Board and the Board of Treasury Investments, as well as their fiduciaries, from casting shareholder votes for the purpose of furthering “Environmental, social, corporate governance, or other similarly oriented considerations.” **Yes**

3. HB3566 Enforcement of Canadian Protective Orders (passed 84 to 8 on 2/25/2023). Allows law enforcement in West Virginia to enforce domestic violence protective orders issued in Canada without requiring that such orders be registered with a court in the United States. **No**

4. HB2036 Conscience Exemption from Vaccine Mandates (failed to advance 14 to 84 on 2/22/2023). Would exempt state employees, K-12 school children, and students in public institutions of higher education from mandatory immunizations based on a “conscientious or personal objection.” **No**

5. SB10 Concealed Carry on College Campuses (passed 84 to 13 on 2/21/2023). Authorizes concealed handgun license holders to carry firearms on public college and university campuses. **Yes**

6. HB3199 Aiding and Abetting Ectopic Abortions (passed 65 to 31 on 2/14/2023). Removes the requirement that a “termination of an ectopic pregnancy” be reported in West Virginia. **No**



WEST VIRGINIA LEGISLATIVE **SCORECARD** BASED ON THE U.S. CONSTITUTION

Rep. Marty Gearheart

WV Scorecard 2023

Lifetime Score: 58%

2023 Regular Session Score 50%

The Legislative Scorecard is a nationwide educational program of The John Birch Society. Its purpose is to create an informed electorate on how state legislators are voting. The Scorecard is nonpartisan; it does not promote any candidate or political party. Bills are selected for their constitutional implications and cost to the taxpayers.

Please share this Scorecard in your district to inform people about your legislator's record on key votes.

U.S. Constitution, Amendment I --- 11 C.F.R. §114(4)(c)(4) --- 616 F.2d 45 (2d Cir. 1980)

The following scorecard lists several key votes in the West Virginia Legislature in 2023 and ranks state delegates and senators based on their fidelity to (U.S.) constitutional and limited-government principles.

This is our second state-level Scorecard; the selected votes may not be reflective of legislators' overall records. Their cumulative scores will change as we add more votes. Please check regularly for updates.



Get Alerts

Scan to view and subscribe to legislative action alerts.

The Constitution

Learn more about the U.S. Constitution and our founding principles.



Bill Descriptions for the Votes that Affect You

1. Ban on Sex Mutilation of Children

HB2007 bans a physician from providing “irreversible gender reassignment surgery” or “gender altering medication” to a minor.

No person has a right to harm a child using the pretext of LGBTQ+ ideology. Sex mutilation against minors violates their “unalienable” right to life and limb, as it absurdly attempts to erase their biological sex with fictional ‘gender’ constructs. According to the Bill of Rights and the 14th Amendment of the U.S. Constitution, every State has a duty to defend the basic humanity of its citizens, each of whom is born distinctly male or female, and, as the Declaration of Independence affirms, created equally in the image of God.

2. Prohibiting State Funds for ESG Initiatives

HB2862 prohibits state investment boards from casting shareholder votes for the purpose of furthering ESG considerations.

The State’s investment decisions should be based on the financial interests of its taxpayers—not ‘woke’ ESG factors. As a political and ideological scam that seeks to proliferate worldwide, implement a ‘social credit’ rating system, and advance the United Nations’ Agenda 2030, the ESG movement rejects private property and freedom of association. Its radical proponents attempt to restrict free-market access to financial and other services by preventing both individuals and companies from entering into contracts voluntarily based on their own interests, which violates the due process and equal protection clauses of the Fifth and 14th Amendments to the U.S. Constitution.

3. Enforcement of Canadian Protective Orders

HB3556 allows law enforcement to enforce domestic violence protective orders issued in Canada without requiring that such orders be registered with a U.S. court.

All law enforcement and judicial officers are bound by oath to support the U.S. Constitution. Article IV, Section 1, of the Constitution confers recognition to only “the public Acts, Records, and judicial Proceedings of every other State”—not the judgements of foreign nations. The Bill of Rights and 14th Amendment protect “due process” and provide that “No State” shall abridge the “privileges or immunities” of American citizens. Protective orders that do not satisfy the Constitution’s Article VI requirement that U.S. courts apply the “supreme Law of the Land,” which “Judges in every State shall be bound thereby,” are not valid or enforceable.

4. Conscience Exemption from Vaccine Mandates

HB2036 would exempt state employees, K-12 school children, and students in public institutions of higher education from mandatory immunizations based on a “conscientious or personal objection.”

Vaccine mandates should be opposed, as an individual’s non-injurious activities, including personal health care decisions, are private matters that should not be under federal, state, or local jurisdiction in the United States. To compel American citizens to receive medical treatment would be to violate their fundamental rights of conscience protected by the Bill of Rights and the 14th Amendment to the U.S. Constitution.

5. Concealed Carry on College Campuses

SB10, the Campus Self-Defense Act, authorizes concealed handgun license holders to carry firearms on public college and university campuses.

This bill eases blatantly unconstitutional gun control restrictions on college campuses in West Virginia. Every person has a natural and individual right to self-defense, regardless of their location, which is why the Second Amendment to the U.S. Constitution expressly declares that “the right of the people to keep and bear Arms, shall not be infringed.”

6. Aiding and Abetting Ectopic Abortions

HB3199 removes the requirement that a “termination of an ectopic pregnancy” be reported in West Virginia.

The care of human life—not its destruction—is the greatest responsibility of government. West Virginia ought to forbid abortion entirely and uphold the sanctity of life for every person, especially preborn children. The right to life is the most fundamental, God-given, and “unalienable” right asserted in the Declaration of Independence and protected by the Fifth and 14th Amendments to the U.S. Constitution.