



## Happy Summer



Our next virtual training on the Ethics Act and the Open Meetings Act is on August 9 at 12 noon - 1 hour CLE/CPE credit. Email [kimberly.b.weber@wv.gov](mailto:kimberly.b.weber@wv.gov) for an invite.

### Elections and Campaigns Q&A

**Q: May a county commission candidate remain employed by a town in the same county if he is elected?**

A: Yes, as long as the county does not provide more than 7% of the town's budget. See [A.O. 2024-02](#).

**Q: May an elected official wear a campaign hat in the courthouse when he is performing his official duties?**

A: The Commission has not formally answered this exact question. But, this may rise to the level of an Ethics Act violation. See [A.O. 2021-19](#).

**Q: May a retired deputy sheriff who is running for magistrate include pictures of himself in uniform in his campaign materials?**

A: The Ethics Act does not prohibit this, but rules governing magistrates and candidates for magistrate might. See [A.O. 2020-09](#) and [Judicial Investigation Commission Advisory Opinion 2020-04](#).

**Q: May a school employee endorse a BOE candidate on the employee's private social media?**

A: Yes, the Ethics Act does not prohibit this. But, the employee should check the state BOE and the local school board rules. See [A.O. 2012-15](#).

**Q: May a city council member endorse a candidate for the WV Legislature?**

A: Yes, the Ethics Act does not prohibit this.

**Q: May city hall be used to hold a political event?**

A: Maybe. The Ethics Act would not prohibit this if other candidates have the same opportunity. See [A.O. 2021-06](#)

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### New Contract Exemptions:

The Commission is authorized to issue contract exemptions allowing a public body to enter into a prohibited contract if the public body can show it would suffer from undo hardship. The Commission granted two C.E.s this past quarter:

[CE 2024-01](#) The Commission granted a contract exemption to the Fayette County BOE to continue contracting with Rainelle Medical Center, Inc. if James Pat Gray, a BOE member, becomes an uncompensated member of Rainelle Medical Center's board of directors. The exemption will terminate on June 30, 2026.

[CE 2024-02](#) The Commission granted an exemption to the Kanawha County Sheriff's Office to contract with the law firm Bailey & Wyant PLLC for legal services for conservatorship and estate matters for the six months that Marc Slotnick, an equity member of Bailey & Slotnick PLLC, will serve as a County Commissioner.

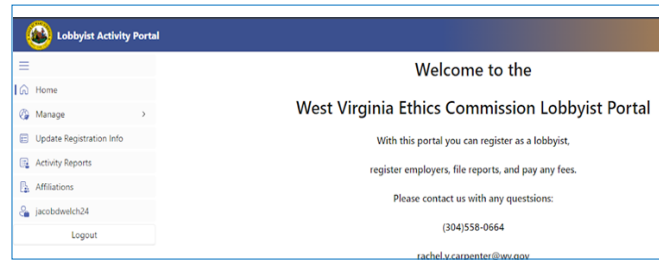
## JOB OPENING: Staff Attorney, Ethics Commission.

For information, click [here](#).

## New Lobbyist User-Friendly Portal

Our new Lobbyist User-Friendly Portal will be going live in the next couple of weeks. For the past few months, the Ethics Commission has been working with members of the WV Office of Technology to upgrade our lobbyist portal. Lobbyists will soon be able to use our Lobbyist User-Friendly Portal to:

- Register for each two-year cycle
- Register new employers and terminate old ones
- Pay fees for lobbyist registration, employment authorizations, and any late fees
- Update email addresses and passwords
- Update other account information such as physical address or phone number



As before, lobbyists will be able to file their activity reports using the portal. They will now also receive email confirmation that their reports have been filed. Our office will also receive email confirmation when a lobbyist files his/her report online. Training class for the new portal will be held virtually on August 19. Email Rachel at [rachel.y.carpenter@wv.gov](mailto:rachel.y.carpenter@wv.gov) for a link to a training class. Additional classes will be scheduled at a later date.

## Election and Campaigns Q and A

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**Q: May a public official write a letter of recommendation for one of his employees who is running for political office? Can he use official letterhead?**



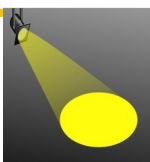
A: Yes, the Ethics Act does not place any restrictions on the use of private resources in campaigns. The official may use official letterhead for the letter because it is de minimis. [A.O. 95-34](#)

**Q: May a county farmland protection board member serve as the treasurer for a county commissioner's campaign?**

A: Yes. The Ethics Act does not prohibit this.

**Q: May a candidate make false representations in his campaign material concerning his or her opponent?**

A: A candidate who is a public official or public employee may not disclose confidential information acquired through his or her public office or public employment about his or her political opponent, whether false or accurate. Otherwise, the Ethics Act does not govern the use of false information in campaign materials but other laws might.



**Spotlight: New Advisory Opinion** [A.O.2024-03](#) W.Va. Code 18-5-4 (e) now allows board of education members to increase the compensation to be paid up to \$260 per meeting. However, BOE members may not vote to increase the compensation of the **current** BOE members.

210 Brooks Street  
Suite 300  
Charleston, WV 25301

(304) 558-0664  
(866) 558-0664

Email: [ethics@wv.gov](mailto:ethics@wv.gov)  
Website: [ethics.wv.gov](http://ethics.wv.gov)