

ADVISORY OPINION NO. 2000-04

**Issued On May 4, 2000 By The
WEST VIRGINIA ETHICS COMMISSION**

OPINION SOUGHT

A **County School Board Member** asks if the Board may provide a direct link between the Board's Internet web site and the Member's own, educationally oriented, private web site.

FACTS RELIED UPON BY THE COMMISSION

The county school system maintains an Internet web site [Board Site] which contains, among other school related information, a photograph and brief biographical sketch of several of the Board's members. The Board has recently added a brief biographical sketch of each of the four candidates [including the Member] for election to the Board at the upcoming election.

For nearly two years the Member has maintained his own web site [Personal Site] which contains more biographical information about him, plus information on local educational issues and links to other educational web sites. The Board Site's biographical sketch of the Member concludes with the following statement, "Please Visit My Personal Home Page." This offers and provides a direct link to the Member's Personal Site.

Because the Member is now a candidate for re-election, he has established a second, separate and distinct, web site [Campaign Site] devoted to his re-election bid. The Member's Personal Site contains the following explicit statement "Please also visit my official Campaign 2000 web site!", which offers and provides a direct link to the Election Site.

The candidate information which appears on the Board Site comes from a candidate information guide compiled by the local League of Women Voters from information supplied in a standard format by the candidates themselves. Among the four current candidates, only the Member has his own web site. The Member believes that other candidates will be afforded a direct link from the Board Site to their campaign sites, if and when they develop such sites.

CODE PROVISIONS RELIED UPON BY COMMISSION

WV Code 6B-2-5(b) *Use of public office for private gain.* -- "(1) A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person."

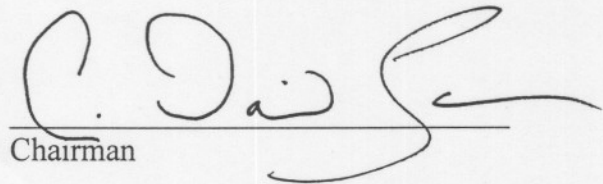
ADVISORY OPINION

The Member wishes to establish that the school system's inclusion of a link to his Personal Site is consistent with the provisions of the Ethics Act, now that his Personal Site contains a link to his Election Site.

The Ethics Act prohibits public servants from using their public positions, or the influence of those positions, for their own private financial gain or the private financial gain of others. A board of education's decision to incorporate personal commercial messages in the biographical information on its web site could rise to the level of a use of office for private gain. Similarly a decision to incorporate campaign messages from incumbent board members, or provide a direct link to a web site containing an incumbent's campaign message, could rise to the level of a use of office for private gain, unless similar opportunities were afforded the challenging candidates.

Here the Board has adopted a policy calculated to give an overview of all Board candidates, while affording equal space and access to challengers and incumbents alike. Those challengers who wish to do so may secure a direct link from the Board Site's candidate biographical sketch to their own campaign web site.

The Commission finds that the link from the Board Site to the Member's Personal Site, which existed before his current reelection campaign, is not a violation of the Ethics Act and the offer of a direct link from Personal Site to the Campaign Site is merely an option which a visitor to the site may choose to accept or ignore. Assuming a similar opportunity is offered all candidates, any advantage the link from the Board Site to the Personal Site provides the Member would be *de minimis* and not a violation of the Ethics Act.


Chairman