

## Happy New Year from the Ethics Commission

Our next virtual training on the Ethics Act and the Open Meetings Act is on February 8 at 12 noon - 1 hour CLE/CPE credit. Email [kimberly.b.weber@wv.gov](mailto:kimberly.b.weber@wv.gov) for an invite.

### Financial Disclosures Due February 1

All **elected state and county** officials, including county board of education members, and school board superintendents, are required to file Financial Disclosure Statements (FDSs) with the Ethics Commission by February 1, 2024.

**Candidates** for all **state and county** offices must also file FDSs within **10 days** of filing a certificate of announcement with the Secretary of State's Office, unless the candidate had already filed a Disclosure for 2023.

The only municipal candidates and elected officials who must file are those in Charleston,

Fairmont, and Morgantown. Candidates and officials in other towns and cities do not file FDSs.

Appointed members of **state** boards, commissions, and certain executive branch state employees must file. Governor appointees must file within 30 days of assuming their duties. See page 2 for which state employees must file.

Click [here](#) for forms and online filing. Please notify [ellen.m.briggs@wv.gov](mailto:ellen.m.briggs@wv.gov) if you are no longer in a position required to file. See page 2 for more about online filing.

### Top 10 Tips About Ethics and Election Season

(Taken from our [Elections Booklet](#))



1. The Ethics Commission enforces the Ethics Act found in Chapter 6B of the state Code. The Commission does not regulate elections or campaigns; that authority rests with the [West Virginia Secretary of State](#).
2. The Ethics Act does not disqualify current public employees or public officials from running for public office. See, for example, [A.O. 2023-09](#), holding that a state college employee may serve as a Legislator, but other laws may prohibit a person from holding both positions.
3. Candidates for all state and county offices must file a Financial Disclosure Statement with the Commission within 10 days of filing a certificate of announcement, unless the candidate had already filed one earlier that year.
4. Public servants may not use public funds or resources for campaigning purposes or to display a public official's name or picture to promote a public official or political party. [W. Va. Code § 6B-2B-2\(b\)](#).
5. Successful candidates will be subject to the Ethics Act, [W. Va. Code § 61-10-15](#) (a statute which governs county officials and county schools), and other laws that may prohibit or restrict them and their family members from having employment and contracts with the public office. See example in 6.
6. A county commissioner (and spouse) may not work for any county agency, such as the sheriff's office. [A.O. 1995-24](#). But, a commissioner may be employed by a nonprofit organization to which a county commission appropriated funds constituting *less than seven percent* of the nonprofit's budget. County funds may not be used to directly fund the commissioner's job with the nonprofit. [A.O. 2023-12](#).

## Top 10 Tips, *continued from p. 1*

7. New Legislators, elected Executive Branch Officials, and the Governor's appointees who were designated by an executive order, must attend Ethics Act training within six months of taking office.
8. The Ethics Act does not prohibit public officials or public employees from being involved in political campaigns on their own time. But other laws may apply. Some state employees are subject to the West Virginia Division of Personnel Rules governing political activities.
9. [W. Va. Code § 18-5-1a](#) restricts Board of Education (BOE) members from running for or holding, in most instances, another public office.
10. The Ethics Commission has held that public agencies may use public funds to educate the public about ballot issues, including levies. The specific rules are discussed in [Advisory Opinion 2022-17](#).

## New Opinions

**[Advisory Opinion 2023-13](#):** A County Fire Coordinator may not be a paid member of a nonprofit Volunteer Fire Department (VFD) in the County because he is a full-time County employee and the VFD has matters before the County on which he is working. In fact, he or his subordinates decide how much county funding each VFD gets. He may be an unpaid member of the VFD.



**[Contract Exemption 2023-01](#):** The Ethics Commission denied the Preston County Economic Development Authority's request for an exemption to buy signs from Affordable Signs Unlimited LLC, a business owned by Beth Stone, the wife of an EDA member. The request was denied because another company located out-of-state was the lowest bidder.

### Do State Employees Have to File an FDS?

Yes, some do! The following state executive branch employees must file an FDS: **“Secretaries of departments, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads, and assistant department heads.”** If you have two titles, such as a civil service classification (Director I) and a working title (Supervisor of Maintenance), you must file an FDS because one of the titles has the operative word (“director”) in it. Non-elective employees in the legislative and judicial branches and higher education employees do not need to file.

### Online FDS Filing

If you have not previously filed online, click [here](#) and follow the instructions.

To file online again, click [here](#). If you have forgotten your username or are unable to reset your password, call West Virginia Interactive at (304) 414-0265. (For fillable paper forms, click [here](#).)

