

WV Ethics

Volume 12

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Happy New Year!! To start off 2022 right, the Ethics Commission is offering another virtual training on the Ethics Act and the Open Meetings Act on **February 9 at 12:00 p.m.** (1 hr. CLE credit) For an invite, please email kimberly.b.weber@wv.gov.

Financial Disclosures due February 1

All **elected state and county** officials, including members of county boards of education and county school board superintendents, are required to file Financial Disclosure Statements (FDS) with the Ethics Commission by February 1, 2022.

The Disclosures must also be filed by **candidates** for all **state and county** offices within 10 days of filing a certificate of announcement, unless the candidate has already filed a Disclosure for 2021.

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.

Appointed members of state boards, commissions, and certain executive branch state employees must file. New appointees must file within 30 days after 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, if you are no longer in a public position required to file.)

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Running for Public Office Opinions

2019-18 A State employee may seek election to a county public office. He may not campaign during public work hours or use public resources to subsidize his campaign. Public employees seeking to hold public office should also consult with their agency's attorney to ensure that no personnel policies of their agency, State laws or federal laws restrict their political activities.

2019-21 A State employee may serve as a part-time elected mayor. He must perform his mayoral duties on his own time or take annual or unpaid leave from his state job.

2021-15 Public employees may not use their agency-provided cellular phone for personal use for free and may never use agency phones for political campaign purposes.

2012-15 No provision in the Ethics Act prohibits public officials or employees from being involved in political campaigns on their own time. (Other laws may apply. Some state employees are subject to the DOP's Guidance to classified employees on political activities, [here](#).)

W. Va. Code § 18-5-1a - **Members of county boards of education may not become a candidate for public office or hold most other public offices.** [SBAO 2010-01](#). **Continued on page 2.**

... more Opinions on Running for Office

2020-09 A retired City Police officer who is running for Sheriff is not prohibited under the Ethics Act from wearing his uniform in his campaign material because he is not currently employed by a law enforcement agency.

2021-19 A Town Recorder may not display a cup that contains a campaign slogan on her desk in city hall in a manner that makes the campaign slogan visible to the public because it could constitute the use of public resources to advertise a candidate or political party.

2019-29 A Sheriff's Office employee may run for Sheriff. He may not campaign during public work hours or use public resources to subsidize his campaign. Public employees seeking to hold public office should also consult with their agency's attorney to ensure that no personnel policies of their agency, State laws or federal laws restrict their political activities.

2020-08 A Sheriff's Chief Deputy may not include pictures of her badge in her campaign materials.

2013-41 Once they take office, County Commissioners (and often spouses) may not have contracts with - or be employed by - a county office, e. g., Assessor's, Sheriff's, or Clerk's Offices, or county boards and commissions, e.g., Ambulance Authorities, PSDs, and County Parks Boards). See more prohibited jobs for county officials [here](#). Exceptions may apply to existing contracts. [AO 2008-10](#)

DO STATE DIRECTORS AND DEPUTIES IN THE EXECUTIVE BRANCH HAVE TO FILE AN FDS? Yes! The following state employees must file an FDS: “[State executive department] 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 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](#).)

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