

WV Ethics

Volume 13

April 2022

The Ethics Commission is offering another virtual training on the Ethics Act and the Open Meetings Act on May 25, 2022, at 12:00 p.m. (1 hr. CLE credit) For an invite, please email kimberly.b.weber@wv.gov.

2022 Legislation of Interest

Bills that are now law

House Bill 3220: (W. Va. Code § 6B-3-10) Requiring state agencies, municipalities, counties, and school districts that have contracted for lobbying services to file information relating to those services with the Ethics Commission. (effective 7/1/2022)

House Bill 4299: (W. Va. Code § 3-9-21) Making the improper interference with voters' travel to and from the polls a misdemeanor, subject to fines up to \$1,000 and a year in jail. (effective 5/25/2022) (relates to election laws)

House Bill 4642: (W. Va. Code § 61-10-15) Permitting county and district officers, teachers, and school officials to have pecuniary interests in contracts for goods and supplies if the county official is the lowest bidder and meets the other criteria. (effective 6/10/2022)

House Bill 3223: (W. Va. Code §§ 5-6-4, 7-3-19, and 8-12-22) Prohibits state, county, and municipal entities from dedicating or naming any public building or public structure for a public official who is currently holding office. (effective 6/6/2022)

Other

Senate Bill 493: (died) This Bill proposed a law that would require county school boards of education to hold public meetings in person and via live stream on their websites. (It did not pass the Legislature.)

Statewide election dates.

May 10, 2022: Primary Election

November 8, 2022: General Election

All candidates are welcome to attend the above training

New Ethics Act Advisory Opinions

[Advisory Opinion 2021-23](#)

A county commission may use American Rescue Plan funds for a proposed waterline extension project even if the developer may uniquely benefit from the project if the county determines that the project benefits the county by promoting tourism or economic development.

[Advisory Opinion 2022-02](#)

A county commission employee may be a candidate for and serve as a city council member in the same county where she is employed.

Lobbyist Reporting

The Ethics Commission oversees registration and reporting requirements for West Virginia lobbyists. Lobbyists file expenditure reports three times a year. The Ethics Commission is pleased to announce that, beginning in May, lobbyists will be able to electronically file their expenditure reports through the Commission's website. The Commission is thankful to its Lobbyist Registrar Teri Anderson for her work on this project.

Executive Session Q and A

Q: Is everything discussed in Executive Session confidential?

A: Not necessarily. The Open Meetings Act does not make information discussed during executive sessions confidential; nor does it create an executive session privilege. Some information, however, may be confidential per other rules or laws. [OMAO 2022-01](#).

Q. Does recording an Executive Session violate the Ethics Act or Open Meetings Act?

A: No. [Advisory Opinion 2021-22](#) and [Open Meetings Advisory Opinion 2021-01](#) hold that neither Act prohibits a public official from recording executive sessions, but a governing body may bar such recordings.