

ADVISORY OPINION NO. 2001-15

Issued On June 7, 2001 By The

WEST VIRGINIA ETHICS COMMISSION

COPY

OPINION SOUGHT

A **County Commission** asks if it may require the display of materials promoting its position on a regional airport project.

FACTS RELIED UPON BY THE COMMISSION

The County Commission has been active in the debate over the location of a regional airport. The Commission asks if it may require county personnel to use and distribute promotional materials prepared by an organization which supports, and seeks to advance, the position taken by the Commission.

The Commission asks whether it may "order" that bumper stickers be displayed on all county vehicles and "request" that all county personnel wear promotional buttons. In addition they ask if they may "require" all county offices to post yard signs and make available brochures and other promotional materials to the public.

CODE PROVISIONS RELIED UPON BY COMMISSION

WV Code 6B-2-5 (b) provides in part that ... 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.

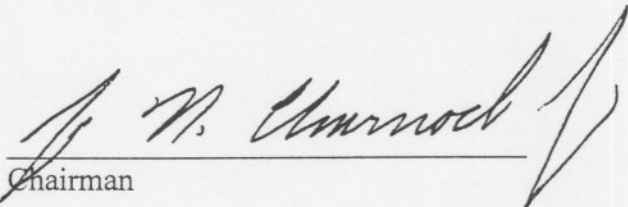
ADVISORY OPINION

The 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. The Commissioners' action in requiring the use of the promotional materials would be at odds with the Ethics Act only if it constitutes a prohibited use of office for private financial gain.

The Commissioners' involvement in the public debate of a policy decision which will have a significant effect on county residents is consistent with their positions as elected county officials. No provision of the Ethics Act would prevent their public advocacy of a position which they feel represents the best interests of their constituents.

However, giving those who support the Commission's position the right to display promotional materials on county property and vehicles, while denying that right to those with opposing views, would constitute an improper use of office for the private gain of those who provide those materials.

Therefore, it would be a violation for the Commission to order, require, encourage or approve the wearing of promotional buttons by county personnel, the display or distribution of promotional materials in county offices, the use of bumper stickers on county vehicles, or the posting of yard signs on county property, which advance the position taken by the Commission.


Chairman