

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 325

(By Senators Nohe, Boley,
Leonhardt, Sypolt, Palumbo,
Trump and Blair)

[Originating in the Committee on
the Judiciary;
reported March 2, 2015.]

A BILL to amend and reenact §6B-2-6 of the Code of West Virginia, 1931, as amended, relating to filing dates for financial disclosure statements by candidates; setting deadlines for candidates to file financial disclosure statements with Ethics Commission; setting deadlines for Ethics Commission to file duplicate copies of statements to certain offices; clarifying to which office Ethics Commission sends copies of statements; and disqualifying candidates who fail to file statement by deadline.

Be it enacted by the Legislature of West Virginia:

That §6B-2-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES;
DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS
AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES;**

CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.

§6B-2-6. Financial disclosure statement; filing requirements.

1 (a) The financial disclosure statement shall be filed on February 1 of each calendar year to
2 cover the period of the preceding calendar year, except insofar as may be otherwise provided herein.
3 The following persons must file the financial disclosure statement required by this section with the
4 Ethics Commission:

5 (1) All elected officials in this state, including, but not limited to, all persons elected
6 statewide, all county elected officials, municipal elected officials in municipalities which have, by
7 ordinance, opted to be covered by the disclosure provisions of this section, all members of the
8 several county or district boards of education and all county or district school board superintendents;

9 (2) All members of state boards, commissions and agencies appointed by the Governor; and

10 (3) Secretaries of departments, commissioners, deputy commissioners, assistant
11 commissioners, directors, deputy directors, assistant directors, department heads, deputy department
12 heads and assistant department heads.

13 A person who is required to file a financial disclosure statement under this section by virtue
14 of becoming an elected or appointed public official whose office is described in subdivision (1), (2)
15 or (3) of this subsection and who assumes the office less than ten days before a filing date established
16 herein or who assumes the office after the filing date shall file a financial disclosure statement for
17 the previous twelve months no later than thirty days after the date on which the person assumes the
18 duties of the office, unless the person has filed a financial disclosure statement with the commission
19 during the twelve-month period before he or she assumed office.

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1 (b) A candidate for public office shall file a financial disclosure statement for the previous
2 calendar year with the state Ethics Commission no later than ten days after he or she files a certificate
3 of candidacy, but in all circumstances, not later than ~~ten~~ ninety-one days prior to the general election,
4 unless he or she has previously filed a financial disclosure statement with the state Ethics
5 Commission ~~during~~ for the previous calendar year.

6 The Ethics Commission shall file a duplicate copy of the financial disclosure statement
7 required in this section in the following offices within ten business days of the receipt of the
8 candidate's statement of disclosure or by the eighty-fourth day prior to the general election,
9 whichever is sooner:

10 (1) Municipal candidates in municipalities which have opted, by ordinance, to be covered by
11 the disclosure provisions of this section, in the office of the clerk of the municipality in which the
12 candidate is seeking office;

13 (2) ~~Legislative candidates in single county districts and candidates~~ Candidates for a county
14 office or county school board, in the office of the clerk of the county commission of the county in
15 which the candidate is seeking office;

16 (3) Legislative candidates, circuit judge or family court judge candidates ~~from multicounty~~
17 ~~districts,~~ candidates for statewide office and congressional candidates, in the office of the ~~clerk of~~
18 ~~the county commission of the county of the candidate's residence~~ Secretary of State.

19 After a ninety-day period following any election, the ~~clerks who~~ offices that receive the
20 financial disclosure statements of candidates may destroy or dispose of those statements filed by
21 candidates who were unsuccessful in the election.

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1 ~~(c) No candidate for public office may maintain his or her place on a ballot and no~~

2 (c) (1) Any candidate for public office who has failed to file a financial disclosure statement
3 with the state Ethics Commission as required by this section is disqualified and the vacancy on the
4 ballot created by the disqualification is subject to section nineteen, article five, chapter three of this
5 code.

6 (2) No public official may take the oath of office or enter or continue upon his or her duties
7 or receive compensation from public funds unless he or she has filed a financial disclosure statement
8 with the state Ethics Commission as required by the provisions of this section.

9 (d) The Ethics Commission may, upon request of any person required to file a financial
10 disclosure statement, and for good cause shown, extend the deadline for filing such statement for a
11 reasonable period of time: *Provided*, That no extension of time shall be granted to a candidate who
12 has not filed a financial disclosure statement for the preceding filing period.

13 (e) No person shall fail to file a statement required by this section.

14 (f) No person shall knowingly file a materially false statement that is required to be filed
15 under this section.

16 (g) The Ethics Commission shall publish either on the Internet or by printed document made
17 available to the public a list of all persons who have violated any Ethics Commission's financial
18 disclosure statement filing deadline.

19 (h) The Ethics Commission shall, in addition to making all financial disclosure statements
20 available for inspection upon request:

21 (1) Publish on the Internet all financial disclosure statements filed by members of the

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1 Legislature and candidates for legislative office, elected members of the executive department and
2 candidates for the offices that constitute the executive department, and members of the Supreme
3 Court of Appeals and candidates for the Supreme Court of Appeals, commencing with those reports
4 filed on or after January 1, 2012; and

5 (2) Publish on the Internet all financial disclosure statements filed by any other person
6 required to file such financial disclosure statements, as the commission determines resources are
7 available to permit the Ethics Commission to make such publication on the Internet. The
8 commission shall redact financial disclosure statements published on the Internet to exclude from
9 publication personal information such as signatures, home addresses and mobile and home telephone
10 numbers.

(NOTE: The purpose of this bill is to set deadlines for candidates to file financial disclosure statements with the Ethics Commission. The bill clarifies to which office the Ethics Commission sends copies of the statements. The bill disqualifies any candidate who fails to file the statement by the deadline.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)