

1 **Senate Bill No. 325**

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

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4 [Introduced January 27, 2015; referred to the Committee on the Judiciary.]
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8 A BILL to amend and reenact §6B-2-6 of the Code of West Virginia, 1931, as amended, relating to
9 filing dates for financial disclosure statements by candidates; setting deadlines for candidates
10 to file financial disclosure statements with the Ethics Commission; clarifying to which office
11 the Ethics Commission sends copies of statements; and disqualifying candidates who fail to
12 file statement by the deadline.

13 *Be it enacted by the Legislature of West Virginia:*

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

16 **ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES;**
17 **DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS**
18 **AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES;**
19 **CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.**

20 **§6B-2-6. Financial disclosure statement; filing requirements.**

21 (a) The financial disclosure statement shall be filed on the first day of February of each

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

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

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

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

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

19 (b) A candidate for public office shall file a financial disclosure statement for the previous
20 calendar year with the state Ethics Commission no later than ten days after he or she files a certificate
21 of candidacy, but in all circumstances, not later than ~~ten~~ ninety-one days prior to the general election,

1 unless he or she has previously filed a financial disclosure statement with the state Ethics
2 Commission ~~during~~ for the previous calendar year.

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

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

10 (2) ~~Legislative~~ Circuit or family court judge candidates in single county districts and
11 candidates for a county office or county school board in the office of the clerk of the county
12 commission of the county in which the candidate is seeking office;

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

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

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

20 (c)(1) Any candidate for public office who has failed to file a financial disclosure statement
21 with the state Ethics Commission as required by this section is disqualified and the vacancy on the

1 ballot created by the disqualification is subject to section nineteen, article five, chapter three of this
2 code.

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

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

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

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

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

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

18 (1) Publish on the Internet all financial disclosure statements filed by members of the
19 Legislature and candidates for legislative office, elected members of the executive department and
20 candidates for the offices that constitute the executive department, and members of the Supreme
21 Court of Appeals and candidates for the Supreme Court of Appeals, commencing with those reports

1 filed on or after January 1, 2012; and

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