

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 7

BY SENATORS TRUMP, PHILLIPS, TAKUBO, WOODRUM,

AND SWOPE

[Originating in the Committee on the Judiciary;

reported on February 19, 2021]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §6B-4-1, §6B-4-2, §6B-4-3, and §6B-4-4, all relating to a limitation on political
3 activity by public employees and public officials; setting forth legislative purpose and
4 findings; defining terms; providing exceptions; prohibiting political activity by public
5 employees and public officials in certain limited circumstances; and establishing violations
6 and penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. POLITICAL ACTIVITY BY PUBLIC EMPLOYEES AND PUBLIC OFFICIALS.

§6B-4-1. Legislative purposes and findings.

1 (a) The purpose of this bill is to encourage professionalism by public employees and public
2 officials, and to protect them from political coercion in the workplace while carrying out their work
3 that is publicly funded by state taxpayers.

4 (b) The Legislature hereby finds that:

5 (1) Public employees and public officials have and retain the right to vote as they choose
6 and to express their opinions on political subjects and candidates. These are fundamental rights
7 which the Legislature expressly recognizes and honors, and with which the provisions of this
8 article should not be construed to interfere.

9 (2) Political activity by public employees and public officials must be limited for public
10 institutions, including schools and institutions of higher education, for them to function fairly and
11 effectively.

12 (3) Public employees should be protected from being utilized for partisan political purposes
13 in the discharge of their duties.

§6B-4-2. Definitions; exceptions.

1 (a) For purposes of this article, “political activity” means expressly advocating for others
2 to vote for or against a candidate or to support or oppose a political committee or political party.

3 (b) This article shall not apply to:

4 (1) Judicial officers;

5 (2) Employees of the judicial branch;

6 (3) Members of the Legislature;

7 (4) Publicly elected members of the Board of Public Works; *Provided*, That a publicly
8 elected member of the Board of Public Works who is engaging in political activity shall announce
9 that he or she is engaging in political activity and not official activity;

10 (5) Uncompensated public officials; and

11 (6) Uncompensated public servant volunteers.

§6B-4-3. Limitation on political activity by public employees and public officials.

1 In addition to any other restrictions on political activity imposed by this code or by federal
2 law, a public employee or a public official may not engage in political activity:

3 (1) While on duty; or

4 (2) While using any vehicle owned or leased by the State of West Virginia or any agency
5 or political subdivision thereof.

§6B-4-4. Violations and penalties.

1 Upon a final decision by the commission that a public employee or a public official has
2 violated any provision of §6B-4-3 of this code shall be subject to potential sanctions,
3 recommendation of termination from employment or removal from office, or both as provided in
4 §6B-2-4 of this code.