

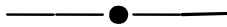
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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



# ENROLLED

## House Bill No. 4540

(By Delegates Fleischauer, Caputo, Manuel,  
R. Thompson, Wills, Hrutkay and Givens)



Passed March 9, 2002

In Effect Ninety Days from Passage

FILED

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OFFICE WEST VIRGINIA  
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## ENROLLED

### H. B. 4540

(BY DELEGATES FLEISCHAUER, CAPUTO, MANUEL,  
R. THOMPSON, WILLS, HRUTKAY AND GIVENS)

[Passed March 9, 2002; in effect ninety days from passage.]

**AN ACT** to amend and reenact section twenty-four, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the political activities of members of paid fire departments; amending the list of prohibited political activities by members of paid fire departments and exceptions thereto; prohibiting such members from being candidates for or holding public office in the municipality in which they are employed, but permitting such members to be candidates for or hold other public office; prohibiting a member of a paid fire department from soliciting political contributions or donations from members or employees of his or her own fire department; reenacting civil service protections related to unauthorized and permissible political activity; and amending penalties for violations of this section.

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

That section twenty-four, article fifteen, chapter eight, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS;  
CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.**

**§8-15-24. Political activities of members prohibited; exceptions.**

1 (a) No member of any paid fire department may:

2 (1) Solicit any assessment, subscription or contribution for  
3 any political party, committee or candidate from any person  
4 who is a member or employee of the same fire department by  
5 which they are employed;

6 (2) Use any official authority or influence, including, but  
7 not limited to, the wearing by a member of a paid fire depart-  
8 ment of his or her uniform, for the purpose of interfering with  
9 or affecting the nomination, election or defeat of any candidate  
10 or the passage or defeat of any ballot issue: *Provided*, That this  
11 subdivision shall not be construed to prohibit any member of a  
12 paid fire department from casting his or her vote at any election  
13 while wearing his or her uniform;

14 (3) Coerce or command anyone to pay, lend or contribute  
15 anything of value to a party, committee, organization, agency  
16 or person for the nomination, election or defeat of a ballot  
17 issue; or

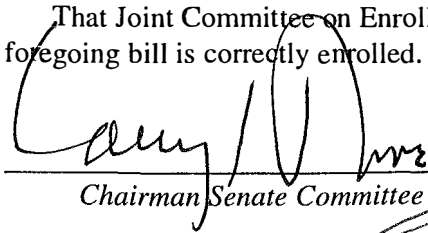
18 (4) Be a candidate for or hold any other public office in the  
19 municipality in which he or she is employed: *Provided*, That  
20 any paid member of a fire department that is subject to the  
21 provisions of 15 U.S.C. §1501 et seq., may not be a candidate  
22 for elective office.

23 (b) Other types of partisan or nonpartisan political activities  
24 not inconsistent with the provisions of subsection (a) of this

25 section are permissible political activities for members of paid  
26 fire departments.

27 (c) No person shall be appointed or promoted to or demoted  
28 or dismissed from any position in a paid fire department or in  
29 any way favored or discriminated against because of his or her  
30 engagement in any political activities authorized by the  
31 provisions of this section. Any elected or appointed official who  
32 violates the provisions of this subsection shall be guilty of a  
33 misdemeanor and, upon conviction thereof, shall be punished  
34 by the penalties contained in section twenty-six, article fifteen,  
35 chapter eight of this code.

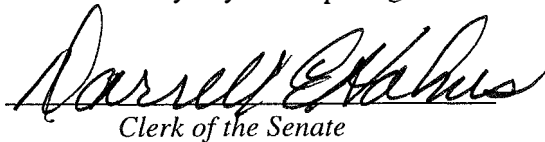
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

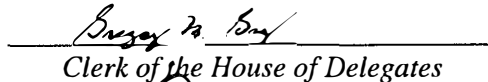
  
Chairman Senate Committee

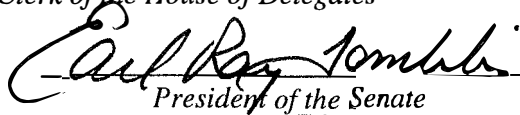
  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved approved this the 3rd  
day of April 2002.

  
Governor

3/27/02

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