

HB 4328

FILED

2008 MAR 15 PM 12:48

OFFICE OF THE  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2008



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4328**

(By Delegates Caputo, Webster, Brown, Doyle, Ellem,  
Fleischauer, Hamilton, Mahan, Miley, Moore and Varner)



Passed March 5, 2008

In Effect from Passage

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FOR

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## **H. B. 4328**

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(BY DELEGATES CAPUTO, WEBSTER, BROWN,  
DOYLE, ELLEM, FLEISCHAUER, HAMILTON,  
MAHAN, MILEY, MOORE AND VARNER)

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[Passed March 5, 2008; in effect from passage.]

AN ACT to amend and reenact §29-6-20 of the Code of West Virginia, 1931, as amended, relating to allowing state employees to serve as poll workers and as delegates to state and national political conventions without being considered as engaging in a prohibited political activity.

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

That §29-6-20 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### **ARTICLE 6. CIVIL SERVICE SYSTEM.**

**§29-6-20. Favoritism or discrimination because of political or religious opinions, affiliations or race; political activities prohibited.**

1 (a) No person shall be appointed or promoted to or  
2 demoted or dismissed from any position in the classified  
3 service or in any way favored or discriminated against with  
4 respect to such employment because of his or her political or  
5 religious opinions or affiliations or race; but nothing herein  
6 shall be construed as precluding the dismissal of any  
7 employee who may be engaged in subversive activities or  
8 found disloyal to the nation.

9 (b) No person shall seek or attempt to use any political  
10 endorsement in connection with any appointment in the  
11 classified service.

12 (c) No person shall use or promise to use, directly or  
13 indirectly, any official authority or influence, whether  
14 possessed or anticipated, to secure or attempt to secure for  
15 any person an appointment or advantage in appointment to a  
16 position in the classified service, or an increase in pay or  
17 other advantage in employment in any such position, for the  
18 purpose of influencing the vote or political action of any  
19 person or for any consideration.

20 (d) No employee in the classified service or member of  
21 the board or the director shall, directly or indirectly, solicit or  
22 receive any assessment, subscription or contribution, or  
23 perform any service for any political party, committee or  
24 candidate for compensation, other than for expenses actually  
25 incurred, or in any manner take part in soliciting any such  
26 assessment, subscription, contribution or service of any  
27 employee in the classified service.

28 (e) Notwithstanding any other provision of this code, no  
29 employee in the classified service shall:

30 (1) Use his or her official authority or influence for the  
31 purpose of interfering with or affecting the result of an  
32 election or a nomination for office;

33 (2) Directly or indirectly coerce, attempt to coerce,  
34 command or advise a state or local officer or employee to  
35 pay, lend or contribute anything of value to a party,  
36 committee, organization, agency or person for political  
37 purposes; or

38 (3) Be a candidate for any national or state paid public  
39 office or court of record; or hold any paid public office other  
40 than as a paid poll clerk or worker; or be a member of any  
41 national, state or local committee of a political party, or a  
42 financial agent or treasurer within the meaning of the  
43 provisions of section three, four or five-e, article eight,  
44 chapter three of this code. Other types of partisan or  
45 nonpartisan political campaigning and management not  
46 inconsistent with the provisions of this subdivision and with  
47 the provisions of subsection (d) of this section shall be  
48 permitted.

49 (f) Political participation pertaining to constitutional  
50 amendments, referendums, approval of municipal ordinances  
51 or activities, serving as a poll clerk or worker or being a  
52 candidate for or serving as a delegate to any state or national  
53 political party convention shall not be deemed to be  
54 prohibited by the foregoing provisions of this section.

55 (g) Any classified employee who becomes a candidate  
56 for any paid public office as permitted by this section shall be  
57 placed on a leave of absence without pay for the period of  
58 such candidacy, commencing upon the filing of the certificate  
59 of candidacy.

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

*Randy White*  
Chairman Senate Committee

*[Signature]*  
Chairman House Committee

Originating in the House.

In effect from passage.

*Darrell Holmes*  
Clerk of the Senate

*[Signature]*  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
President of the Senate

*[Signature]*  
Speaker of the House of Delegates

The within *is approved* this the *15<sup>th</sup>*  
day of *March*, 2008.

*[Signature]*  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 10 2008

Time 4:30 pm