

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 817

By Senator Chapman

[Introduced February 16, 2024; referred
to the Committee on Education; and then to the
Committee on the Judiciary]

1 A BILL to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to
2 modifying eligibility and qualifications to serve as an appointed member of the State Board
3 of Education; prohibiting certain political and other activities and permitting certain political
4 activities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-1. Creation; composition; appointment, qualifications, terms and removal of members; offices.

1 (a) There is a State Board of Education, to be known as the West Virginia Board of
2 Education, which is a corporation and as such may contract and be contracted with, plead and be
3 impleaded, sue and be sued, and have and use a common seal. The state board consists of 12
4 members, of whom one is the state Superintendent of Schools, ex officio; one of whom is the
5 chancellor of the Higher Education Policy Commission, ex officio; and one of whom is the
6 Chancellor of the West Virginia Council for Community and Technical College Education, ex
7 officio, none of whom is entitled to vote. The other nine members are citizens of the state,
8 appointed by the Governor, by and with the advice and consent of the Senate, for overlapping
9 terms of nine years. Terms of office begin on November 5 of the appropriate year and end on
10 November 4 of the appropriate year. Not more than five members are appointed from any one
11 congressional district.

12 (b) No more than five of the appointive members may belong to the same political party.
13 ~~and no person is eligible for appointment to membership on the state board who is a member of~~
14 ~~any political party executive committee or holds any other public office or public employment under~~
15 ~~the federal government or under the government of this state or any of its political subdivisions, or~~
16 ~~who is an appointee or employee of the board~~ Members are eligible for reappointment. Any

17 vacancy on the board shall be filled by the Governor by appointment for the unexpired term.

18 (c) No person is eligible for appointment to membership on the state board:

19 (1) Who is a member of any political party executive committee or holds any other public
20 office or public employment under the federal government or under the government of this state or
21 any of its political subdivisions; or

22 (2) Who is an appointee or employee of the board.

23 (d) A person who is an appointed member on the state board:

24 (1) May not engage in the following political activities:

25 (A) Become a candidate for or hold any other public office, subject to the following:

26 (i) The term "public office" as used in this section does not include service on any other
27 board, elected or appointed, profit or nonprofit, under the following conditions:

28 (ii) The person does not receive compensation; and

29 (iii) The primary scope of the board is not related to public schools.

30 (B) Become a candidate for, or serve as, an elected member of any political party executive
31 committee;

32 (C) Become a candidate for, or serve as, a delegate, alternate or proxy to a national
33 political party convention;

34 (D) Solicit or receive political contributions to support the election of, or to retire the
35 campaign debt of, any candidate for partisan office; or

36 (E) Attend a county, state or national political party convention.

37 (e) May engage in any or all of the following political activities:

38 (1) Make campaign contributions to partisan or bipartisan candidates;

39 (2) Attend political fund raisers for partisan or bipartisan candidates;

40 (3) Serve as an unpaid volunteer on a partisan campaign;

41 (4) Politically endorse any candidate in a partisan or bipartisan election; or

42 (5) Attend a county, state or national political party convention.

43 (f) Notwithstanding the provisions of §6-6-4 of this code, a member of the state board may
44 not be removed from office by the Governor except for official misconduct, incompetence, neglect
45 of duty, or gross immorality and then only in the manner prescribed by law for the removal by the
46 Governor of state elective officers.

47 (g) Before exercising any authority or performing any duties as a member of the state
48 board, each member shall qualify as such by taking and subscribing to the oath of office
49 prescribed by section five, article IV of the Constitution of West Virginia, the certificate whereof
50 shall be filed with the Secretary of State. A suitable office in the state Department of Education at
51 the State Capitol shall be provided for use by the state board.

NOTE: The purpose of this bill is to modify eligibility and qualifications to serve as an appointed member of the state board of education, by prohibiting certain political and other activities and specifically permitting certain political activities

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.