

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia Ethics Commission TITLE NUMBER: 158

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 9

TITLE OF RULE BEING AMENDED: Title 158, Series 09, Voting [REPEAL]

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

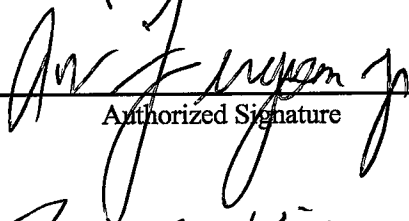
TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 172

SECTION §64-2-4 (c), PASSED ON 4/11/09

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1, 2009 (Repeal)


Authorized Signature

Chase M. Kuhl 6/8/09

FILED

TITLE 158
LEGISLATIVE RULES
WEST VIRGINIA ETHICS COMMISSION

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SERIES 9
VOTING

OFFICE WEST VIRGINIA
SECRETARY OF STATE

~~§158-9-1 General Provisions:~~

~~—1.1. Scope. — These legislative rules establish the guidelines for voting for persons covered by the WV Governmental Ethics Act.~~

~~—1.2. Authority. — W. Va. Code §§6B-1-2(c) and 6B-2-5(d)(1).~~

~~—1.3. Filing Date. — April 29, 1992.~~

~~—1.4. Effective Date. — June 1, 1992.~~

~~§158-9-2 Personal:~~

~~—2.1. A public official or public employee may not vote on or decide a matter that has become "personal" to that individual.~~

~~—2.2. For the purpose of this section a matter will be considered "personal" to a public official or public employee when he or she has any pecuniary interest either directly or indirectly in the matter or is affected in a manner which may influence his or her vote or would clearly give the appearance of impropriety. An interest is not "personal" if the interest of the public official or public employee in the matter is affected as a member of, and to no greater extent than any other member of, a profession, occupation or class.~~

~~—2.3. For a public official's or public employee's recusal to be effective, it is necessary for the official or employee to excuse himself from participating in the discussion and decision-making process by physically removing himself from the room during that period, fully disclose his interest, and recuse himself from voting on the issue.~~

~~—2.4. In any case where a Senator or Delegate is voting as part of their official duties of office, the members of the Senate and the members of the House of Delegates are governed by the rules of their respective houses. The provisions of subsection 2.3 of this rule shall not apply to members of the Legislature when acting as a member thereof.~~