

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Committee Substitute

for

Senate Bill 158

BY SENATORS CHAPMAN AND TAYLOR

[Passed April 11, 2025; in effect 90 days from

passage (July 10, 2025)]

FILED

2025 APR 30 P 11:12

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SB 158 veto
OTAN 85195

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1 AN ACT to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating
2 to modifying eligibility and qualifications to serve as an appointed member of the State
3 Board of Education; prohibiting certain political and other activities; and permitting certain
4 political 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 Members are eligible for reappointment. Any vacancy on the board shall be filled by the Governor
14 by appointment for the unexpired term.

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

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

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

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

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

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

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

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

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

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

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

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

33 (2) May engage in any or all of the following political activities:

34 (A) Make campaign contributions to partisan or nonpartisan candidates;

35 (B) Attend political fund raisers for partisan or nonpartisan candidates;

36 (C) Serve as an unpaid volunteer on a partisan or nonpartisan campaign;

37 (D) Politically endorse any candidate in a partisan or nonpartisan election; or

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

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

43 (f) Before exercising any authority or performing any duties as a member of the state
44 board, each member shall qualify as such by taking and subscribing to the oath of office

45 prescribed by section five, article IV of the Constitution of West Virginia, the certificate whereof
46 shall be filed with the Secretary of State. A suitable office in the state Department of Education at
47 the State Capitol shall be provided for use by the state board.

48 (g) Notwithstanding the provisions of §6-5-5 of this code, no person who has been
49 convicted of an offense under the provisions of §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et*
50 *seq.*, and §61-8D-1 *et seq.* of this code in which the victim is a minor may hold office as a member
51 of the state board.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.


Clerk of the Senate


Clerk of the House of Delegates

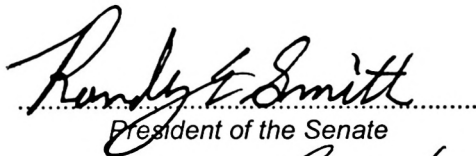
Originated in the Senate.

In effect 90 days from passage.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2025 APR 30 P 11:12

FILED


President of the Senate


Speaker of the House of Delegates

The within is disapproved this the 30th
Day of April, 2025.


Governor

PRESENTED TO THE GOVERNOR

APR 17 2025

Time 2:50 pm