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## GUIDELINES REGARDING THE DISPLAY OF FLAGS AT HALF-STAFF

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Effective: July 18, 2013

The tradition of displaying flags at half-staff endures as a solemn symbol of respect, preserved for occasions of public mourning. To that end, the Office of the Governor hereby establishes guidelines in accordance with the United States Code and West Virginia precedent and customs regarding the display of the United States flag and the West Virginia flag at half-staff on property owned or controlled by the state. *See, e.g.*, 4 U.S.C. § 7. As used herein, the term "half-staff" means the position of the flags when they are one-half the distance between the top and bottom of the staff. When flown at half-staff, the flags should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flags should be again raised to the peak before they are lowered for the day. *Id.* at § 7(m). The West Virginia flag should never be placed above or, if on the same level, to the right of the United States flag. *Id.* at § 7(c).

The United States flag and the West Virginia flag shall be displayed at half-staff in accordance with federal law as follows:

- Memorial Day (the last Monday in May) – The flags are displayed at half-staff from sunrise until noon only, then raised to full-staff.
- Peace Officers Memorial Day (May 15) – The flags are displayed at half-staff for the entire day, unless that day is also Armed Forces Day (the third Saturday in May).
- Patriot Day (September 11) – The flags are displayed at half-staff for the entire day.
- Pearl Harbor Day (December 7) – The flags are displayed at half-staff for the entire day.
- The flags are displayed at half-staff for thirty (30) days from the day of death of the President or a former President of the United States.

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- The flags are displayed at half-staff for ten (10) days from the day of death of the Vice President of the United States; the Chief Justice or retired Chief Justice of the Supreme Court of the United States; or the Speaker of the United States House of Representatives.
- The flags are displayed at half-staff from the day of death until interment of a former Vice President of the United States; Associate Justice of the Supreme Court of the United States; Secretary of an executive or military department of the United States; or a Governor of a state, territory, or possession.
- The flags are displayed at half-staff on the day of death and the following day for a member of the United States Congress.

In addition, and in accordance with the following guidelines established by this office, the Governor of West Virginia may enter a proclamation directing the United States flag, the West Virginia flag, or both flags to be displayed at half-staff on state property as follows:

- On any occasion when the United States flag is displayed at half-staff in accordance with federal law or a directive of the President of the United States.
- During a special period of mourning designated by the Governor of West Virginia for a Governor-elect or former Governor of West Virginia; Member of the Board of Public Works or former Member of the Board of Public Works; Justice of the Supreme Court of Appeals of West Virginia or former Justice of the Supreme Court; President of the West Virginia Senate or former President of the Senate; or Speaker of the West Virginia House of Delegates or former Speaker of the House.
- On the day of services for a State Senator or a member of the House of Delegates who died in office.
- On the day of services for a West Virginia law enforcement officer, emergency responder, or firefighter who died while serving in the line of duty. In such circumstances, only the flags at the Capitol and on state property in the decedent's county of residence should be displayed at half-staff.
- On the day of services for a member of the Governor's Cabinet. In such circumstances, only the flags at the Capitol and on state property in the Cabinet member's county of residence should be displayed at half-staff.
- On the day of services for a West Virginian who died while on active duty as a member of the Armed Forces, provided that the decedent is a West Virginian through birth, residency, education, or a combination of these circumstances. Any question of the decedent's active duty status shall be resolved by the military.
- On the day honoring the sacrifice of a repatriated West Virginian who was a member of the Armed Forces in any United States war or conflict and died in the line of duty.

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- During a special period of mourning and at locations designated by the Governor to commemorate the death of a personage of state or local standing, including present or former officials, public servants, or personalities, who made a significant contribution to West Virginia (*e.g.*, a college president; current and former West Virginia first ladies; a civil rights leader; an Olympian; a war hero; a county, municipal, state, or federal official or judge, *etc.*), or other significant loss.

All orders to display the United States flag and the West Virginia flag at half-staff shall be issued by the Governor in written form indicating the occasion being observed, the length of time the flags should be displayed at half-staff, and the location or locations where the flags should be displayed at half-staff. A decision to display the flags at half-staff shall be made known to the public by a press announcement from the Office of the Governor.

In the event the flags are at half-staff and another occasion arises on which flags at half-staff should be observed during that same time period, the Governor shall issue an order in written form indicating that, on the day designated to honor the intervening occasion, the flags shall be raised to full staff and immediately lowered again to half-staff, and remain at half-staff in accordance with the order of longest duration.

Certain of the guidelines set forth herein are expressly mandated by 4 U.S.C. § 7. The additional guidelines established by the Office of the Governor, however, reflect a good faith attempt to provide reasonable standards to evaluate—in a consistent manner—the circumstances and requests that arise from time-to-time during periods of public mourning. Of course guidelines are, by their nature, guidelines only. They cannot address the unique circumstances that will inevitably arise. Accordingly, nothing herein is intended to preclude the Governor from exercising his sound discretion, on a case-by-case basis, in determining whether to order the flags to be displayed at half-staff and in considering the scope of the honor (*i.e.*, the length of time the flags shall remain at half-staff; the location or locations where the flags shall be flown at half-staff, *etc.*).