1	H. B. 2846
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3 4 5	(By Delegates Sobonya, Sumner, Rowan, C. Miller, Lane and J. Miller)
5 6	[Introduced January 25, 2011; referred to the
7	Committee on the Judiciary.]
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10	A BILL to amend the Code of West Virginia, 1931, as amended, by
11	adding thereto a new section, designated $6B-2-5c$, relating to
12	prohibiting the use of the name or likeness of elected or
13	appointed officials on publicly-owned vehicles except for
14	ceremonial purposes; prohibiting elected or appointed
15	officials from placing their name or likeness on trinkets paid
16	for with public funds; prohibiting elected or appointed
17	officials from using public funds to distribute certain
18	published materials bearing their name or likeness within
19	sixty days prior to a primary or general election in which a
20	public official is a candidate; definitions; exceptions.
21	Be it enacted by the Legislature of West Virginia:
22	That the Code of West Virginia, 1931, as amended, be amended
23	by adding thereto a new section, designated $6B-2-5c$, to read as
24	follows:

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1	ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES;
2	DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC
3	OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC
4	AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW
5	JUDGES.
6	<u>§6B-2-5c.</u> Limitations on elected or appointed officials from using
7	their name or likeness.
8	(a) Elected or appointed officials, their agents, or anyone on
9	public payroll may not:
10	(1) Use the elected or appointed person's name or likeness on
11	any publicly-owned vehicles, unless for ceremonial events;
12	(2) Place the elected or appointed person's name or likeness
13	on "trinkets" paid for by public funds;
14	(3) Use public funds, including funds of the office held by
15	the elected or appointed person to distribute, disseminate, publish
16	or display the elected or appointed person's name or likeness upon
17	or in any publication, broadcast, cable or satellite communication,
18	communication in any newspaper, magazine or periodical publication,
19	communication sent by mass mailing, communication by telephone book
20	or communication by leaflet, pamphlet or flyer, or any other
21	publication or media communication intended for general
22	dissemination to the public, within sixty days before a primary or

1 general election in which the elected or appointed official, or the 2 person on public payroll, is a candidate. 3 (b) For purposes of this section: (1) "Agent" means any volunteer or employee, contractual or 4 5 permanent, serving at the discretion of an elected or appointed 6 official; and 7 (2) "Trinkets" means items of tangible personal property that 8 are not vital or necessary to the duties of the official's or 9 public employee's office, including, but not limited to, the 10 following: Magnets, mugs, cups, key-chains, pill-holders, band-aid 11 dispensers, fans, nail files, matches, and bags. (c) Nothing in this section prohibits elected or appointed 12 13 officials from using their names or likenesses on any official 14 record or report, letterhead, document or certificate, or 15 instructional material issued in the course of their duties as 16 elected or appointed officials, or on promotional materials used 17 for national tourism and economic development promotion. 18 (d) The commission shall propose rules and emergency rules for 19 legislative approval in accordance with the provisions of article 20 three, chapter twenty-nine-a of this code to effectuate the 21 provisions of this section by July 1, 2011.

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NOTE: The purpose of this bill is to prohibit elected or appointed officials from using public funds to purchase, distribute or disseminate certain items and publications.

This section is new; therefore, it has been completely underscored.