

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 §6B-2-5c. 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:

4 (1) "Agent" means any volunteer or employee, contractual or
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.

12 (c) Nothing in this section prohibits elected or appointed
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.

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.