

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2457**

5 (By Delegates Sobonya, Miller, Frich, Foster, Overington,
6 J. Nelson, Ellington, Rohrbach and Walters)
7
8

9 [Passed February 27, 2015; in effect ninety days from passage.]
10

11 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
12 designated §6B-2-5c, relating to prohibiting the use of the name or likeness of a public
13 official on publicly-owned vehicles; prohibiting a public official from placing his or her
14 name or likeness on trinkets paid for with public funds; prohibiting a public official from
15 using public funds to distribute certain advertising materials bearing his or her name or
16 likeness; prohibiting a public official from using public funds or public employees for
17 entertainment purposes within forty-five days of a primary, general, or special election in
18 which the public official is a candidate; defining terms; making exceptions; and permitting
19 the Ethics Commission to promulgate rules.

20 *Be it enacted by the Legislature of West Virginia:*

21 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
22 section, designated §6B-2-5c, to read as follows:

23 **ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES;**
24 **DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS**

1 **AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES;**
2 **CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.**

3 **§6B-2-5c. Limitations on a public official from using his or her name or likeness.**

4 (a) Public officials, their agents, or anyone on public payroll may not:

5 (1) Use the public official's name or likeness on any publicly-owned vehicles;

6 (2) Place the public official's name or likeness on trinkets paid for by public funds;

7 (3) Use public funds, including funds of the office held by the public official, public
8 employees, or public resources to distribute, disseminate, publish or display the public official's
9 name or likeness for the purpose of advertising including, but not limited to, billboards, public
10 service announcements, communication sent by mass mailing, or any other publication or media
11 communication intended for general dissemination to the public.

12 (4) Use public funds or public employees, other than employees for security services, for
13 entertainment activities within forty-five days of a primary, general, or special election in which the
14 public official or agent is a candidate.

15 (b) For purposes of this section:

16 (1) "Agent" means any volunteer or employee, contractual or permanent, serving at the
17 discretion of a public official; and

18 (2) "Trinkets" means items of tangible personal property that are not vital or necessary to the
19 duties of the public official's or public employee's office, including, but not limited to, the
20 following: magnets, mugs, cups, key chains, pill holders, band-aid dispensers, fans, nail files,
21 matches and bags.

22 (c) This section does not prohibit public officials from using their names or likenesses on any

1 official record or report, letterhead, document or certificate, or instructional material issued in the
2 course of their duties as public officials, or on promotional materials used for tourism promotion.

3 (d) This section shall not be interpreted as prohibiting public officials from using public
4 funds to communicate with constituents in the normal course of their duties as public officials so
5 long as such communications do not include any reference to voting in favor of the public official
6 in an election.

7 (e) The commission may propose rules and emergency rules for legislative approval in
8 accordance with the provisions of article three, chapter twenty-nine-a of this code to effectuate this
9 section by July 1, 2015.