

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2457**

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

6  
7 (Originating in the House Committee on Judiciary)

8 [February 4, 2015]

9  
10 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
11 designated §6B-2-5c, relating to prohibiting the use of the name or likeness of a public  
12 official on publicly-owned vehicles; prohibiting a public official from placing his or her  
13 name or likeness on trinkets paid for with public funds; prohibiting a public official from  
14 using public funds to distribute certain advertising materials bearing his or her name or  
15 likeness; prohibiting a public official from using public funds or public employees for  
16 entertainment purposes within forty-five days of a primary, general, or special election in  
17 which the public official is a candidate; defining terms; making exceptions; and permitting  
18 the Ethics Commission to promulgate rules.

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

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

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

1 **CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.**

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

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

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

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

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

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

14 (b) For purposes of this section:

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

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

21 (c) This section does not prohibit public officials from using their names or likenesses on any  
22 official record or report, letterhead, document or certificate, or instructional material issued in the

1 course of their duties as public officials, or on promotional materials used for tourism promotion.

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

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