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H. B. 2457

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

[Introduced January 28, 2015 ; referred to the
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5c, relating to prohibiting the use of the name or likeness of an elected or appointed official on publicly-owned vehicles except for ceremonial purposes; prohibiting an elected or appointed official from placing his or her name's or likeness on trinkets paid for with public funds; prohibiting an elected or appointed official from using public funds to distribute certain published materials bearing his or her name or likeness within sixty days prior to a primary or general election in which that public official is a candidate; defining terms; and making exceptions.

Be it enacted by the Legislature of West Virginia:

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

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

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

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

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

4 (1) Use the elected or appointed person’s name or likeness on any publicly-owned vehicles,
5 unless for ceremonial events;

6 (2) Place the elected or appointed person’s name or likeness on “trinkets” paid for by public
7 funds;

8 (3) Use public funds, including funds of the office held by the elected or appointed person
9 to distribute, disseminate, publish or display the elected or appointed person’s name or likeness upon
10 or in any publication, broadcast, cable or satellite communication, communication in any newspaper,
11 magazine or periodical publication, communication sent by mass mailing, communication by
12 telephone book or communication by leaflet, pamphlet or flyer, or any other publication or media
13 communication intended for general dissemination to the public, within sixty days before a primary
14 or general election in which the elected or appointed official, or the person on public payroll, is a
15 candidate.

16 (b) For purposes of this section:

17 (1) “Agent” means any volunteer or employee, contractual or permanent, serving at the
18 discretion of an elected or appointed official; and

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

22 (c) This section does not prohibit elected or appointed officials from using their names or

1 likenesses on any official record or report, letterhead, document or certificate, or instructional
2 material issued in the course of their duties as elected or appointed officials, or on promotional
3 materials used for national tourism and economic development promotion.

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

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.