

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4518

BY DELEGATES STATLER, GEARHEART, R. SMITH,
KURCABA, FAIRCLOTH, WAGNER, FOSTER, CADLE,
ATKINSON AND IRELAND

[Introduced February 11, 2016; referred to the
Committee on Roads and Transportation then the
Judiciary.]

1 A BILL to amend and reenact §6B-2-5c of the Code of West Virginia, 1931, as amended, relating
 2 to use of public funds to display a public official's name or likeness and prohibiting such
 3 display on public road signs.

Be it enacted by the Legislature of West Virginia:

1 That §6B-2-5c of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted 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; CODE OF
 CONDUCT FOR ADMINISTRATIVE LAW JUDGES.**

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

- 1 (a) Public officials, their agents, or anyone on public payroll may not:
- 2 (1) Use the public official's name or likeness on any publicly-owned vehicles;
- 3 (2) Place the public official's name or likeness on trinkets paid for by public funds;
- 4 (3) Use public funds, including funds of the office held by the public official, public
 5 employees, or public resources to distribute, disseminate, publish or display the public official's
 6 name or likeness for the purpose of advertising including, but not limited to, billboards, public
 7 service announcements, communication sent by mass mailing, or any other publication or media
 8 communication intended for general dissemination to the public;
- 9 (4) Use public funds or public employees, other than employees for security services, for
 10 entertainment activities within forty-five days of a primary, general, or special election in which
 11 the public official or agent is a candidate; or
- 12 (5) Place a public official's name or likeness on road signs paid for from public funds and
 13 erected or posted by the Division of Highways: *Provided*, That signs may be authorized by
 14 resolution of the Legislature to identify a designated highway segment or feature in honor of a

15 person, regardless of whether the named person is also serving or has served in a public office.

16 (b) For purposes of this section:

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

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

23 (c) This section does not prohibit public officials from using their names or likenesses on
24 any official record or report, letterhead, document or certificate, or instructional material issued in
25 the course of their duties as public officials, or on promotional materials other than road signs
26 used for tourism promotion.

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

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

NOTE: The purpose of this bill is to prohibit placement of the name or likeness of public officials on state road signs.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.