

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2164**

BY DELEGATES STATLER, GEARHEART AND FOSTER, G.

[Introduced February 8, 2017; Referred  
to the Committee on Roads and Transportation then  
the Judiciary.]

1 A BILL to amend and reenact §6B-2B-2 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-2B-2 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 2B. LIMITATIONS ON A PUBLIC OFFICIAL FROM USING HIS OR HER  
 NAME OR LIKENESS.**

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

1 (a) *Trinkets* - Public officials, their agents, or anyone on public payroll may not place the  
 2 public official's name or likeness on trinkets paid for with public funds: *Provided*, That when  
 3 appropriate and reasonable, public officials may expend a minimal amount of public funds for the  
 4 purchase of pens, pencils or other markers to be used during ceremonial signings.

5 (b) *Advertising*- (1) Public officials, their agents, or anyone on public payroll may not use  
 6 public funds, including funds of the office held by the public official, public employees, or public  
 7 resources to distribute, disseminate, publish or display the public official's name or likeness for  
 8 the purpose of advertising to the general public.

9 (2) Notwithstanding the prohibitions in subdivision (1) of this subsection, the following  
 10 conduct is not prohibited:

11 (A) A public official's name and likeness may be used in a public announcement or mass  
 12 media communication when necessary, reasonable and appropriate to relay specific public safety,  
 13 health or emergency information.

14 (B) A public official's name and likeness may appear on an agency's social media and  
 15 website provided it complies with section three of this article.

16 (C) Dissemination of office press releases or agency information via email, social media

17 or other public media tools for official purposes is not considered advertising or prohibited under  
18 this subsection, if it: (i) Is intended for a legitimate news or informational purpose; (ii) is not  
19 intended as a means of promotion of the public official; and (iii) is not being used as educational  
20 material.

21 (3) Banners and table skirts are considered advertising and may not include the public  
22 official's name or likeness.

23 (4) Nothing in this article ~~shall be interpreted as prohibiting~~ prohibits public officials from  
24 using public funds to communicate with constituents in the normal course of their duties as public  
25 officials if the communications do not include any reference to voting in favor of the public official  
26 in an election.

27 (c) *Vehicles*- Public officials, their agents, or any person on public payroll may not use or  
28 place the public official's name or likeness on any publicly owned vehicles.

29 (d) *Educational materials*- A public official's name or likeness may not be placed on any  
30 educational material that is paid for with public funds: *Provided*, That this prohibition does not  
31 apply to the submission of a report required to be issued by law.

32 (e) *Road signs*- A public official's name or likeness may not be placed on road signs paid  
33 for from public funds and erected or posted by the Division of Highways: *Provided*, That signs  
34 may be authorized by resolution of the Legislature to identify a designated highway segment or  
35 feature in honor of a person, regardless of whether the named person is also serving or has  
36 served in a public office.

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.