

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2964

BY DELEGATE GEARHEART

[Introduced March 08, 2021; Referred to the
Committee on Technology and Infrastructure 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:

**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 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
 13 safety, health, or emergency information.

14 (B) A public official's name and likeness may appear on an agency's social media and
 15 website if it complies with §6B-2B-3 of this code.

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

18 (4) Nothing in this article shall be interpreted as prohibiting public officials from using public

19 funds to communicate with constituents in the normal course of their duties as public officials if
20 the communications do not include any reference to voting in favor of the public official in an
21 election.

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

24 (d) Educational Materials. –

25 A public official's name or likeness may be placed on any educational material, that is paid
26 for with public funds, so long as the primary purpose of the material is to provide information about
27 the processes, operations, structure, functions, or history of an agency, agencies, or branch of
28 government, or to provide lists of contact information or other identifying information about a public
29 official. Educational materials in which the name and likeness of an official may appear include,
30 but are not limited to: directories; reports; reference books; and legislative publications, such as
31 the West Virginia Blue Book and the Legislative Manual.

32 (e) Press releases. – Notwithstanding any other provision of law, the name and likeness
33 of a public official may be included in a press release, produced with public funds and which is
34 disseminated by any means, if that press release is intended for a legitimate news or informational
35 purpose and, considered as a whole, does not feature or present the public official in a form,
36 manner, or context which is intended to promote the official. A press release produced with public
37 funds may not request, solicit, or promote voting for any official or political party.

38 (f) Road signs. – A public official's name or likeness may not be placed on road signs paid
39 for from public funds and erected or posted by the Division of Highways: *Provided*, That signs
40 may be authorized by resolution of the Legislature to identify a designated highway segment or
41 feature in honor of a person, regardless of whether the named person is also serving or has
42 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.