E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2457

(BY DELEGATE(S) SOBONYA, MILLER, FRICH,
FOSTER, OVERINGTON, J. NELSON, ELLINGTON,
ROHRBACH AND WALTERS)

[Passed February 27, 2015;
in effect ninety days from passage.]

AN ACT 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 a public official on publicly-owned vehicles; prohibiting a public official from placing his or her name or likeness on trinkets paid for with public funds; prohibiting a public official from using public funds to distribute certain advertising materials bearing his or her name or likeness; prohibiting a public official from using public funds or public employees for entertainment purposes within forty-five days of a

primary, general, or special election in which the public official is a candidate; defining terms; making exceptions; and permitting the Ethics Commission to promulgate rules.

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; 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
2 may not:

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

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

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

15 (4) Use public funds or public employees, other than
16 employees for security services, for entertainment activities

17 within forty-five days of a primary, general, or special election
18 in which the public official or agent is a candidate.

19 (b) For purposes of this section:

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

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

27 (c) This section does not prohibit public officials from using
28 their names or likenesses on any official record or report,
29 letterhead, document or certificate, or instructional material
30 issued in the course of their duties as public officials, or on
31 promotional materials used for tourism promotion.

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

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