

H. B. 3167

(By Delegates C. Miller, Sobonya and Sumner)
[Introduced February 17, 2011; 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
the use of the name or likeness of elected or appointed
officials on publicly-owned vehicles except for ceremonial
purposes; limiting elected or appointed officials from placing
their name or likeness on trinkets paid for with public funds;
limiting elected or appointed officials from using public
funds to distribute certain published materials bearing their
name or likeness within one hundred twenty days prior to a
primary or general election in which a public official is a
candidate; definitions; and providing 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:

1 **ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES;**
2 **DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC**
3 **OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC**
4 **AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW**
5 **JUDGES.**

6 §6B-2-5c. Limitations on elected or appointed officials from using
7 their name or likeness.

8 (a) Whenever any elected or appointed officials, their agents
9 or anyone on public payroll:

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

12 (2) Place the elected or appointed person's name or likeness
13 on "trinkets" paid for by public funds;

14 (3) Use public funds, including funds of the office held by
15 the elected or appointed person to distribute, disseminate, publish
16 or display the elected or appointed person's name or likeness upon
17 or in any publication, broadcast, cable or satellite communication,
18 communication in any newspaper, magazine or periodical publication,
19 communication sent by mass mailing, communication by telephone book
20 or communication by leaflet, pamphlet or flyer or any other
21 publication or media communication intended for general
22 dissemination to the public, within one hundred twenty days before
23 a primary or general election in which the elected or appointed

1 official, or the person on public payroll, is a candidate;
2 then the official shall, in a typeface as large as any use of the
3 official's name or office, place in a prominent location the phrase
4 "Paid for by YOUR tax dollars".

5 (b) For purposes of this section:

6 (1) "Agent" means any volunteer or employee, contractual or
7 permanent, serving at the discretion of an elected or appointed
8 official; and

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

14 (c) Nothing in this section prohibits elected or appointed
15 officials from using their names or likenesses on any official
16 record or report, letterhead, document or certificate, or
17 instructional material issued in the course of their duties as
18 elected or appointed officials, or on promotional materials used
19 for national tourism and economic development promotion.

20 (d) The commission shall propose rules and emergency rules for
21 legislative approval in accordance with the provisions of article
22 three, chapter twenty-nine-a of this code to effectuate the
23 provisions of this section by July 1, 2011.

NOTE: The purpose of this bill is to require elected or appointed official, when using public funds to purchase, distribute or disseminate certain items and publications to clearly identify that tax dollars are the source of such items.

This section is new; therefore, it has been completely underscored.