

1 **H. B. 2885**

2
3 (By Delegates Sobonya, C. Miller, Westfall, J. Nelson,
4 Frich, Border, Raines, Householder,
5 Sumner, Eldridge and Arvon)

6
7 [Introduced March 8, 2013; referred to the
8 Committee on the Judiciary.]

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §6B-2-5c, relating to
12 prohibiting the use of the name or likeness of elected or
13 appointed officials on publicly-owned vehicles except for
14 ceremonial purposes; prohibiting elected or appointed
15 officials from placing their name or likeness on trinkets paid
16 for with public funds; prohibiting an elected or appointed
17 official from using public funds to distribute certain
18 published materials bearing his or her name or likeness within
19 sixty days prior to a primary or general election in which
20 that public official is a candidate; defining terms; and
21 making exceptions.

22 *Be it enacted by the Legislature of West Virginia:*

23 That the Code of West Virginia, 1931, as amended, be amended
24 by adding thereto a new section, designated §6B-2-5c, to read as
25 follows:

26 **ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES;**

1 DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC
2 OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC
3 AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW
4 JUDGES.

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

7 (a) Elected or appointed officials, their agents, or anyone on
8 public payroll may not:

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

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

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

1 (b) For purposes of this section:

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

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

10 (c) This section does not prohibit elected or appointed
11 officials from using their names or likenesses on any official
12 record or report, letterhead, document or certificate, or
13 instructional material issued in the course of their duties as
14 elected or appointed officials, or on promotional materials used
15 for national tourism and economic development promotion.

16 (d) The commission shall propose rules and emergency rules for
17 legislative approval in accordance with the provisions of article
18 three, chapter twenty-nine-a of this code to effectuate this
19 section by July 1, 2013.

NOTE: The purpose of this bill is to prohibit elected or appointed officials from using public funds to purchase, distribute or disseminate certain items and publications.

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