1	н. в. 3106
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3 4 5	(By Delegates Armstead, Cowles, Lane, Sobonya, Ellem, Reynolds, Anderson and Raines)
6	(By Request of the Attorney General)
7	[Introduced March 25, 2013; referred to the
8	Committee on the Judiciary then Finance.]
9	
10	A BILL to amend the Code of West Virginia, 1931, as amended, by
11	adding thereto a new section, designated $\S5-3-6$, relating to
12	prohibiting the Attorney General from placing his or her name
13	or likeness on trinkets purchased with public moneys, and on
14	public advertising purchased with public moneys during an
15	election period.
16	Be it enacted by the Legislature of West Virginia:
17	That the Code of West Virginia, 1931, as amended, be amended
18	by adding thereto a new section, designated $$5-3-6$, to read as
19	follows:
20	ARTICLE 3. ATTORNEY GENERAL.
21	§5-3-6. Use of public funds for self-promotion.
22	(a)(1) The Attorney General may not knowingly and
23	intentionally place or allow the use of his or her personal name or
24	likeness to be placed on a trinket that is purchased with public
25	moneys or distributed by the Office of the Attorney General.

- 1 (2) Subdivision (1) of this subsection does not prohibit
- 2 incidental office items such as business cards, letterhead,
- 3 envelopes, door signs or plates or other office insignia where the
- 4 inclusion of the Attorney General's name is appropriate.
- 5 (b) During any election period in which he or she is a
- 6 candidate, the Attorney General may not knowingly and intentionally
- 7 place or allow the use of his or her personal name or likeness to
- 8 be placed on any broad-based public advertising paid for with
- 9 public moneys or distributed on behalf of a public entity, unless
- 10 the Attorney General is directed by law to have his or her name or
- 11 likeness included.
- 12 (c) As used in this section:
- 13 (1) "Broad-based" means communications on specific issues,
- 14 other than regular responses to constituent requests or ongoing
- 15 litigation or legal matters, designed to reach more than fifty
- 16 people at one time.
- 17 (2) "Directed by law" means the Office of the Attorney General
- 18 is directed to include certain information by statute, state rule,
- 19 order of court or federal regulation.
- 20 (3) "Election period" means the time period between the
- 21 deadline for filing for Attorney General and the general election.
- 22 (4) "Public advertising" means radio, television, newspaper,
- 23 billboards, signs or other media intended to convey a message or
- 24 <u>information relating to the Office of the Attorney General.</u>

- 1 Dissemination of office press releases and information via e-mail,
- 2 social media, or other public relations tools for official purposes
- 3 is not public advertising.
- 4 (5) "Trinket" means a small tangible item, ornament or thing
- 5 of trivial value, including, but not limited to, pens, pencils,
- 6 magnets, pill box holders, key-chains, nail files, matches, piggy
- 7 banks, gun locks and bags.

NOTE: The purpose of this bill is to prohibit the Attorney General from placing his or her name or likeness on trinkets purchased with public moneys, and on public advertising purchased with public moneys during an election period.

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