

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2337

By Delegate Statler

[Introduced January 11, 2023; 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 of 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 the
20 communications do not include any reference to voting in favor of the public official in an election.

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

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

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

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