

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 664

By Senators Azinger, Martin, Phillips, Charnock, and
Helton

[Introduced March 4, 2025; referred
to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5A-3A-1, §5A-3A-2, §5A-3A-3, §5A-3A-4, §5A-3A-5, and §5A-3A-6, relating to establishment of the First Amendment Preservation Act; providing definitions; prohibiting state contracts with media monitoring organizations; requiring written certifications that state purchasing contracts are in compliance with the act; and clarifying the applicability of the act to state contracts.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3A. PURCHASING DIVISION AND THE FIRST AMENDMENT
PRESERVATION ACT.**

§5A-3A-1. Short title and purpose.

This section shall be known and may be cited as the "First Amendment Preservation Act" and is hereby established by the Legislature for the purpose of preventing the state and its agencies from contracting with advertising agencies that utilize the services of misinformation or disinformation media monitors to ensure that state moneys do not fund viewpoint discrimination and that state funding advertising reaches the broadest possible audience without regard for political ideology or viewpoint.

§5A-3A-2. Definitions.

"Agency" means any state department, division, board, commission, institution or other administrative agency of state government, institutions of higher educational using state funds, or any political subdivisions of the state.

"Corporation" or "Company" means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities or business associations that exist for the purpose of making a profit or are nonprofit entities.

"Media monitoring organization" means a company that rates or rank news and information sources for the factual accuracy of their content, whether published online, in print, by audio, or digitally, or by broadcasting via radio, television, cable, streaming service, or any other ways news is delivered to the public, or that provide ratings or rankings of news sources based on misinformation, bias, adherence to journalistic standards, or ethics, including, but not limited to, organizations that claim to engage in fact checking or determining overall news accuracy. For purposes of this section, the term "media monitoring organization" does not include a company or organization that only rate media outlets for audience size, viewership, and demographic information, or that monitor media outlets for the purposes of compiling press or video clippings or aggregating news sources for the purposes of public relations and public awareness.

§5A-3A-3. Prohibition on state contracts with media monitoring organizations.

Notwithstanding any other provision of this code to the contrary, no agency shall:

(a) Enter into any contract or other agreement with any media monitoring organization;

(b) Enter into any contract or agreement with any advertising or marketing agency that utilizes the services of a media monitoring organization for purposes of the agency's contract or agreement; or

(c) Provide support of any form, other than nondiscretionary actions otherwise required by
law, to a media monitoring organization.

§5A-3A-4. Marketing services requirements.

Any agency seeking to contract for advertising or marketing services shall require any and all companies submitting a bid or proposal with respect to any such contract for advertising services to provide written certification that the company is in compliance with this section. Prior to extending, renewing, or otherwise changing or modifying an agreement or contract for advertising or marketing services in effect prior to the effective date of this section, an agency shall obtain written certification from the contractor it is in compliance with the provisions of this section.

§5A-3A-5. Applicability.

1 Nothing in this section shall be construed to prevent an agency from contracting for
2 services which aggregate news articles and information relevant to the agency or its constituents
3 or to prevent a company from providing analytical or statistical information on the performance of
4 advertisements placed by an agency.

§5A-3A-6.

Enaction.

1 Notwithstanding any other effective date to the contrary, the provisions of this section
2 enacted during the 2025 regular legislative session shall apply to all policies, contracts, plans, or
3 agreements subject to this section that are delivered, executed, amended, adjusted, or renewed
4 on or after July 1, 2025.

NOTE: The purpose of this bill is to establish the First Amendment Preservation Act; providing definitions; prohibiting state contracts with media monitoring organizations; requiring written certifications that state purchasing contracts are in compliance with the act; and clarifying the applicability of the act to state contracts.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.