

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 531**

BY SENATORS AZINGER, PHILLIPS, CHARNOCK, ROSE,  
HELTON, RUCKER, MORRIS, WILLIS, ROBERTS, HAMILTON,  
AND TAYLOR

[Reported February 10, 2026, from the Committee on  
the Judiciary]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §5A-3-64, relating to establishment of the First Amendment Preservation Act;  
3 providing definitions; prohibiting state contracts with media reliability and bias monitor;  
4 requiring written certifications from companies submitting bids that state purchasing  
5 contracts are in compliance with the act; clarifying the applicability of the act to state  
6 contracts; and providing effective date.

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

**ARTICLE 3. PURCHASING DIVISION.**

**§5A-3-64. First Amendment Preservation Act.**

1 (a) This section shall be known and may be cited as the First Amendment Preservation  
2 Act and is hereby established by the Legislature for the purpose of preventing the state and its  
3 agencies from contracting with advertising agencies that use the services of misinformation or  
4 disinformation media reliability and bias monitors to ensure that state moneys do not fund  
5 viewpoint discrimination and that state funding advertising reaches the broadest possible  
6 audience without regard for political ideology or viewpoint.

7 (b) For the purposes of this section:

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

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

16 "Media reliability and bias monitor" means a company whose primary or principal function  
17 is rating or ranking news and information sources for the factual accuracy of their content, whether

18 published online, in print, by audio, or digitally, or by broadcasting via radio, television, cable,  
19 streaming service, or any other ways news is delivered to the public, or that provide ratings or  
20 rankings of news sources based on misinformation, bias, adherence to journalistic standards, or  
21 ethics, including, but not limited to, organizations that claim to engage in fact checking or  
22 determining overall news accuracy. For purposes of this section, the term "media reliability and  
23 bias monitor" does not include a company that only rates media outlets for audience size,  
24 viewership, and demographic information, or that monitors media outlets for the purposes of  
25 compiling press or video clippings or aggregating news sources.

26 (c) Notwithstanding any other provision of this code to the contrary, an agency may not:

27 (1) Enter into any contract or other agreement with any media reliability and bias monitor  
28 for purposes of directing the agency's advertising placements or for use of the agency's  
29 programmatic advertising purchases; or

30 (2) Enter into any contract or agreement with any advertising or marketing agency that  
31 uses the services of a media reliability and bias monitor for purposes of directing the agency's  
32 advertising placements or for use of the agency's programmatic advertising purchases.

33 (d) Any agency seeking to contract for advertising or marketing services shall require all  
34 companies submitting a bid or proposal to provide written certification that the company is neither  
35 a media reliability and bias monitor nor planning to use the services of a media reliability and bias  
36 monitor for the purposes of the contract or agreement with the agency. Prior to extending,  
37 renewing, or otherwise changing or modifying an agreement or contract for advertising or  
38 marketing services in effect prior to the effective date of this section, an agency shall obtain written  
39 certification from the contractor it is neither a media reliability and bias monitor nor planning to  
40 use the services of a media reliability and bias monitor for the purposes of the contract or  
41 agreement with the agency.

42 (e) Nothing in this section shall be construed to prevent an agency from contracting for  
43 services which aggregate news articles and information relevant to the agency or its constituents

44 or to prevent a company from providing analytical or statistical information on the performance of  
45 advertisements placed by an agency.

46 (f) The provisions of this section enacted apply to all policies, contracts, plans, or  
47 agreements subject to this section that are delivered, executed, amended, adjusted, or renewed  
48 on or after July 1, 2026.