ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 2457

(By Delegate(s) Sobonya, Miller, Frich, Foster, Overington, J. Nelson, Ellington, Rohrbach and Walters)

Passed February 27, 2015

In effect ninety days from passage.
Enr., Com. Sub. for H.B. No. 2457] 2

primary, general, or special election in which the public official is a candidate; defining terms; making exceptions; and permitting the Ethics Commission to promulgate rules.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES; DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.

§6B-2-5c. Limitations on a public official from using his or her name or likeness.

1 (a) Public officials, their agents, or anyone on public payroll may not:

3 (1) Use the public official's name or likeness on any publicly-owned vehicles;

5 (2) Place the public official's name or likeness on trinkets paid for by public funds;

7 (3) Use public funds, including funds of the office held by the public official, public employees, or public resources to distribute, disseminate, publish or display the public official's name or likeness for the purpose of advertising including, but not limited to, billboards, public service announcements, communication sent by mass mailing, or any other publication or media communication intended for general dissemination to the public.

15 (4) Use public funds or public employees, other than employees for security services, for entertainment activities
within forty-five days of a primary, general, or special election
in which the public official or agent is a candidate.

(b) For purposes of this section:

(1) "Agent" means any volunteer or employee, contractual
or permanent, serving at the discretion of a public official; and

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

(c) This section does not prohibit public officials from using
their names or likenesses on any official record or report,
letterhead, document or certificate, or instructional material
issued in the course of their duties as public officials, or on
promotional materials used for tourism promotion.

(d) This section shall not be interpreted as prohibiting public
officials from using public funds to communicate with
constituents in the normal course of their duties as public
officials so long as such communications do not include any
reference to voting in favor of the public official in an election.

(e) The commission may propose rules and emergency rules
for legislative approval in accordance with the provisions of
article three, chapter twenty-nine-a of this code to effectuate this
section by July 1, 2015.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 14th day of March, 2015.

Governor
PRESENTED TO THE GOVERNOR

MAR 09 2015

Time 2:52PM