

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2015

**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.

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE Mar 14, 2015  
ADMINISTRATIVE LAW DIVISION:

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HB 2457

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  
2 may not:

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

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

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

15 (4) Use public funds or public employees, other than  
16 employees for security services, for entertainment activities

17 within forty-five days of a primary, general, or special election  
18 in which the public official or agent is a candidate.

19 (b) For purposes of this section:

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

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

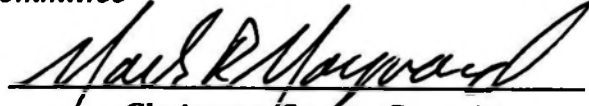
27 (c) This section does not prohibit public officials from using  
28 their names or likenesses on any official record or report,  
29 letterhead, document or certificate, or instructional material  
30 issued in the course of their duties as public officials, or on  
31 promotional materials used for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

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

37 (e) The commission may propose rules and emergency rules  
38 for legislative approval in accordance with the provisions of  
39 article three, chapter twenty-nine-a of this code to effectuate this  
40 section by July 1, 2015.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

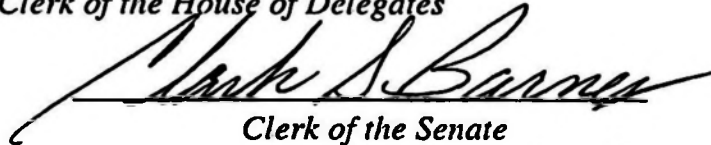
  
Chairman, House Committee

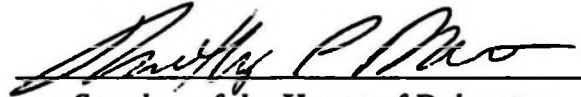
  
Chairman, Senate Committee

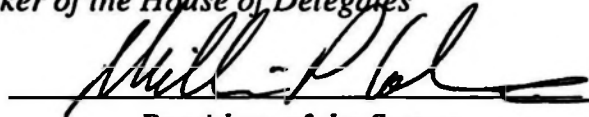
Originating in the House.

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 14<sup>th</sup>  
day of March, 2015.

  
Governor

PRESENTED TO THE GOVERNOR

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