

Advisory Opinion 2026-02

Issued on April 2, 2026, by

The West Virginia Ethics Commission

Opinion Sought

A **Chief Deputy Sheriff** asks whether it is permissible to use public funds to erect a sign with the current sheriff's name and a replica of the sheriff office's badge on the exterior of the county sheriff's building.

Facts Relied Upon by the Commission

The sheriff's office is the sole occupant of a building owned by the county commission. The county building is a single-story structure that was previously a grocery store. The building is a typical, flat roof, box store (boxy square warehouse) building made of brick. Extending out from the front of the building is a large covered stucco portico. The main entrance to the building is in the center of the portico through a glass vestibule. The building is currently identified with large dark letters reading "_____County Sheriff's Office" anchored with two badges, spanning above a significant portion of the portico.¹ This signage is visible to people in the large parking lot in front of the building and the public street approximately 100 yards in front of it.

The Requester would like to install additional signage to the building in the form of a 4'x 8' sign in the shape of a sheriff's badge on the front of the building to the left of the vestibule. Since this sign would not be on the large portico extending from the building, it would not be as visible as the lettering denoting the county sheriff's office. The sign would display the current sheriff's name; however, it would be designed to be removable, allowing for the names of subsequent sheriffs to be easily installed. The Requester asserts that the signage is intended to improve the building's aesthetic appearance, rather than to name or dedicate the building in honor of the current sheriff.

¹ The name of the county appears as well, but is represented here with a blank line to preserve confidentiality.

Provisions Relied Upon by the Commission

W. Va. Code § 6B-2B-1(a) defines advertising as:

[P]ublishing, distributing, disseminating, communicating, or displaying information to the public through audio, visual, or other media tools with the purpose of promoting the public official or a political party. “Advertising” may include, but is not limited to, billboard, radio, television, mail, electronic mail, publications, banners, table skirts, magazines, social media, websites, and other forms of publication, dissemination, display, or communication.

W. Va. Code § 6B-2B-2(b) Advertising.-- explains the prohibitions on advertising as follows:

(1) Public officials, their agents, or anyone on public payroll may not 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 to the public....

(2) Notwithstanding the prohibitions in subdivision (1) of this subsection, the following conduct is not prohibited:

(A) A public official’s name and likeness may be used in a public announcement or mass media communication when necessary, reasonable, and appropriate to relay specific public safety, health, or emergency information.

(B) A public official’s name and likeness may appear on an agency’s social media and website if it complies with §6B-2B-3 of this code.

(3) Banners and table skirts are considered advertising and may not include the public official’s name or likeness.

(4) Nothing in this article shall be interpreted as prohibiting public officials from using public funds to communicate with constituents in the normal course of their duties as public officials if the communications do not include any reference to voting in favor of the public official in an election....

[W. Va. Code § 6B-2B-4\(a\)](#). Exceptions to use of name or likeness – sets for specific instances allowing for the use of a public official’s name and or likeness:

A public official may use his or her name or likeness on any official record or report, letterhead, document, or certificate or instructional material issued in the course of his or her duties as a public official: Provided, That other official documents used in the normal course of the agency, including, but not limited to, facsimile cover sheets, press release headers, office signage, and envelopes may include the public official’s name: Provided, however, That when official documents are reproduced for distribution or dissemination to the public as educational material, the items are subject to the prohibitions in §6B-2B-2(d) of this code.

Advisory Opinion

The History of the “Trinkets Act”

The West Virginia Governmental Ethics Act (Ethics Act) was originally enacted in 1989. Over the 37 years since its passage, the Ethics Act has undergone numerous amendments and additions. Starting in 2015, the West Virginia Legislature added to the Ethics Act various requirements dealing with a public official’s use of his or her name or likeness. Colliquilly, this has been known as the “trinkets act.” Specifically, on May 28, 2015, a single new code section was added under Article 2. This new law, identified as W. Va. Code § 6B-2-5(c), prohibited such things as use of a public official’s name or likeness on public vehicles and trinkets purchased with public money. This legislation

required the Commission to promulgate an emergency Legislative Rule found at 158 C.S.R. 21.

The 2015 legislation was repealed in 2016 when the Legislature chose to add a whole new Article 2B to the Ethics statutes entitled, “Limitations on a public official from using his or her name or likeness.” This Article marked a significant expansion over the previous legislation as it contains six sections including a definition section as well as an entire section devoted to exceptions to use of name or likeness. Among other things, the new provisions prohibit using public funds to display a public official’s name or likeness on things such as pens, pencils, advertising, and websites in ways that primarily serve as self promotion.² While the 2015 law prohibited dissemination of an official's name or likeness, for purposes of advertising, the 2016 law *specifically defines advertisement* and devotes several paragraphs to prohibitions and exceptions for use of a public official's name or likeness in publicly paid for ads.

Finally, some amendments were made to this new article in 2018. Changes including expansion of the definition of advertising, to include those ads made in whole or in part to promote the activities, accomplishments, or efforts of a public official as well as adding a definition of press release and allowance for use of name and likeness in directories, reports, reference books, or other educational materials.

Since the law was first enacted, the Commission has issued ten advisory opinions concerning the various versions of these provisions. Although the 2015 law, which is addressed in the first five advisory opinions (2015-11, 2015-13, 2015-19, 2015-20, and 2015-23) was repealed in 2016, the reasoning and analysis within these opinions remain valuable today.

Analysis

² The entirety of Article 2B is found at W. Va. Code §§ 6B-2B-1 through 6B-2B-6.

Prohibited Advertising

This is an opinion of first impression because it pertains to signage. West Virginia Code § 6B-2B-2(b)(1), above, prohibits public officials and others from using public resources to display a public official's name or likeness for the purpose of advertising to the public. Therefore, the first issue is whether the proposed sign qualifies as advertising. The Code defines advertising, in part, as communicating or displaying information to the public through visual or other media tools with the purpose of promoting the public official. The Code states that advertising may include many things, such as billboards, television, mail, electronic mail, social media, websites, and other forms of publication, dissemination, display, or communication.

Given this broad definition, the Commission believes that the Requester's proposed sign is a form of communication that falls under the definition of advertising.

The Commission next addresses the nature of the proposed sign. Signage whose primary goal is to promote a product, service, or brand is considered advertising. See [Look Blog: The Ultimate Guide to Signage Advertising](#), Evgeny Kirillov, CFO, Looks DS, LLC., February 14, 2023, updated January 26, 2026. Signage that is not a form of advertising would logically include signs providing directions or providing safety or regulatory information. The key word found in the definition of advertising as well as the Look Blog article is the word *promote*. In [Advisory Opinion 2015-11](#), one of the questions addressed by the Commission was whether an elected state official could appear in television shows, YouTube videos and other presentations discussing the rules and regulations of his agency, under the argument it would assist the public in knowing the services the official's public office provided. The Commission observed that the communications' purpose seemed to be the promotion of agency services rather than the advancement of a public official's career or the solicitation of votes. The Commission then issued the following caution and holding:

As public employees and officials such as the Requester perform their duties, they should be mindful of the public, rather than personal, nature of their work. Public employees' and officials' efforts and expenditures should focus upon their public mission and should not include any pursuits which draw the public's attention away from that mission. **If the public mission or services which the public employee or official provides do not require, and are not assisted or improved by, the inclusion of his/her photograph, his/her photographs should be omitted from public materials. Public employees and officials may use their name and title where necessary to identify themselves and/or their public office. However, the appearance of a public employee's or official's name and/or title should not be a unique, prominent detail which receives more emphasis than the surrounding information or text.** (emphasis in original text).

In [Advisory Opinion 2015-13](#), the Commission provided similar guidance to public officials on social media such as Facebook and Twitter, ruling that a public official could post photos and portraits of him or her attending public events on the agency social media page as long as the primary purpose is communicating an agency's services or mission as opposed to self promotion.³

In this case, the building is already sufficiently identified as the county sheriff's office. The Commission does not see how the mission and services of the department would be enhanced by adding the sheriff's name and badge to the building.

Consistent with previous Opinions, the Commission concludes that placing a public official's name on a 4' x 8' sign shaped like a sheriff's badge is an

³ With respect to personal social media pages, the Commission found the Ethics Act normally does not restrict a public officials' use of personal social media as long as the official did not use public resources to manage or post on their personal page and did not use photos taken by the public agency or for the agency's use on a personal page.

excessive detail that does not help the sheriff's office communicate its services or advance its mission to the public.

Office Signage Exception

Next, the Commission will determine whether the exception for office signage applies.⁴ The Act, at W. Va. Code § 6B-2-4(a), allows the use of a public official's name on "office signage," stating that a public official may use his or her name (but not likeness) on other "official documents" used in the normal course of the agency, "including but not limited to, facsimile cover sheets, press release headers, *office signage* and envelopes." The Act does not define office signage. So the Commission must determine whether the proposed signage falls under its definition. The Act does not state whether the exception is intended to include only indoor signage, such as those identifying where the public official's office is located inside the building or giving directions to it, or if the exception applies to outdoor signage. The signage described in this request is not an "official document," so the exception does not apply.

The Commission holds that the office signage exception does not include the outdoor signage proposed by the Requester. It is the opinion of the Commission that the exception for office signage is limited to indoor signage, such as a sign identifying the particular office space used by the public official.

The Commission notes that this finding of legislative intent and resulting ruling is consistent with other legislative enactments. For instance, [W. Va. Code § 7-3-19\(a\)](#) provides as follows, "Notwithstanding any provision of this code to the contrary, county commissions may not cause or permit to be caused the dedication or naming of any county building or public structure for a public official who is holding office at the time of the proposed dedication or naming."

⁴ W. Va. Code § 6B-2-4(a) allows a public official to use his or her name or likeness on "any official record or report, letterhead, document, or certificate or instructional material issued in the course of his or her duties as a public official..." Clearly a sign on the outside of a building cannot reasonably be interpreted as any of these items.

Communicating with Constituents Exception

The last consideration is the applicability of [W. Va. Code § 6B-2B-2\(4\)](#), which permits the use of public funds “to communicate with constituents in the normal course of their duties as public officials if the communications do not include any reference to voting in favor of the public official in an election.” **The Commission finds that this exception does not apply here. While there would be no reference in the proposed signage to vote for the sheriff or to an upcoming election, the Commission finds that the proposed sign is not one that is used in the normal course of a sheriff’s duties to communicate with constituents.**

The Commission notes that today’s ruling is not an adjudication of the Requester’s intent. The Commission notes that while it may not be the intent of the Requester to dedicate or name the office building after the current sheriff, the placement of his or her name on the outside of the building could lead to such an inference at worst and at best provides what is undoubtedly a slippery slope for other public officials to venture onto.

This Advisory Opinion is based on the facts provided. If all material facts have not been provided, or if new facts arise, the Requester must contact the Ethics Commission for further advice, as it may alter the analysis and render this Opinion invalid. This Advisory Opinion is limited to questions arising under the Ethics Act, W. Va. Code §§ 6B-1-1 through 6B-3-11, and W. Va. Code § 61-10-15, and does not purport to interpret other laws or rules.

In accordance with W. Va. Code § 6B-2-3, this Opinion has precedential effect and may be relied upon in good faith by public servants and other persons unless and until it is amended or revoked or the law is changed.

/s/ Robert J. Wolfe

Robert J. Wolfe, Chairperson
West Virginia Ethics Commission