

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2157**

4 (By Delegate Lane)

5 (Originating in the House Committee on Judiciary)

6 [February 11, 2015]

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10 A BILL to amend and reenact §3-9-19 of the Code of West Virginia, 1931, as amended, relating to  
11 establishing that fraud associated with absent voters' ballots is a felony; and establishing the  
12 penalties for fraud associated with absent voters' ballots.

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

14 That §3-9-19 of the Code of West Virginia, 1931, as amended, be amended and reenacted,  
15 to read as follows:

16 **ARTICLE 9. OFFENSES AND PENALTIES.**

17 **§3-9-19. Violations concerning absent voters' ballots; penalties.**

18 (a) Any person who, with the intent to commit fraud, obtains, removes, or disseminates an  
19 absent voters' ballot, intimidates an absent voter, or completes or alters an absent voters' ballot, is  
20 guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than  
21 \$20,000, imprisoned in a state correctional facility for not less than one nor more than five years, or  
22 both fined and imprisoned.

1           (b) Notwithstanding subsection (a) of this section, Any person who, having procured an  
2 absent voter's official ballot or ballots, shall wilfully neglect or refuse to return the same as provided  
3 in article three of this chapter, or who shall otherwise wilfully violate any of the provisions of said  
4 article three of this chapter, shall be guilty of a misdemeanor, and, on conviction thereof, shall be  
5 fined not more than two hundred and fifty dollars, or confined in the county jail for not more than  
6 three months. If the clerk of the circuit court of any county, or any member of the board of ballot  
7 commissioners, or any member of the board of canvassers shall refuse or neglect to perform any of  
8 the duties required of him by any of the provisions of articles three, five and six of this chapter  
9 relating to voting by absentees or shall disclose to any other person or persons how any absent voter  
10 voted, he shall, in each instance, be guilty of a misdemeanor, and, upon conviction thereof, shall be  
11 fined not more than five hundred dollars, or confined in the county jail for not more than six months.  
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