

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

Introduced

### House Bill 4311

FISCAL  
NOTE

BY DELEGATES HOLSTEIN, BRIDGES, PRITT, KIMBLE,  
PACK, SUMMERS, TULLY, CONLEY, G. WARD, BARNHART,  
AND KEATON

[Introduced January 21, 2022; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §3-9-17 of the Code of West Virginia, 1931, as amended, prohibiting  
 2 voting more than once in any election, whether held in West Virginia or between West  
 3 Virginia and another state, and making such violations a felony offense; making it a felony  
 4 offense to vote when not legally entitled to do so; and making it a felony offense to reject  
 5 valid votes, alter ballots, or deceive voters.

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

## **ARTICLE 7. CONTESTED ELECTIONS.**

### **§3-9-17. Illegal voting; deceiving voters; penalties.**

1 (a) Any person who votes or attempts to vote more than once at the same election held in  
 2 this state; in more than one county in this state at the same or equivalent election; or in this state  
 3 and another state or territory at the same or equivalent election, irrespective of different offices,  
 4 questions, or candidates on the ballot, shall be guilty of a felony and, on conviction thereof, shall  
 5 be imprisoned for not less than one year but not more than ten years, or fined not more than  
 6 \$10,000, or both, in the discretion of the court.

7 (b) If any person knowingly votes or attempts to vote when not legally entitled; or votes  
 8 more than once in the same election; or knowingly votes or attempts to vote more than one ballot  
 9 for the same office, or on the same question or procures or assists in procuring an illegal vote to  
 10 be admitted, or received, at an election, knowing the same to be illegal; or a legal vote to be  
 11 rejected, knowing the same to be legal, shall be guilty of a felony and, on conviction thereof, shall  
 12 be imprisoned for not less than one year but not more than ten years, or fined not more than  
 13 \$10,000, or both, in the discretion of the court.

14 (c) ~~or~~, if any person, with intent to deceive, alters the ballot of a voter by marking out the  
 15 name of any person for whom such voter desires to vote; or, with like intent, writes the name of  
 16 any person on such ballot other than those directed by the voter; or with like intent, makes any  
 17 alteration thereof, whether such ballot be voted or not; or defrauds any voter at any election, by  
 18 deceiving and causing him to vote for a different person for any office than he intended or desired

19 to vote for, ~~he shall be guilty of a misdemeanor, and, on conviction thereof, shall for each offense~~  
20 ~~be fined not more than \$1,000 or confined in the county jail for not more than one year, or both,~~  
21 ~~in the discretion of the court~~ shall be guilty of a felony and, on conviction thereof, shall be  
22 imprisoned for not less than one year but not more than ten years, or fined not more than \$10,000,  
23 or both, in the discretion of the court.

NOTE: The purpose of this bill is to prohibit voting more than once in any election, whether held in West Virginia or between West Virginia and another state, and making such violations a felony offense; making it a felony offense to vote when not legally entitled to do so; and making it a felony offense to reject valid votes, alter ballots, or deceive voters.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.