WEST virginia legislature

2022 regular session

ENROLLED

Committee Substitute

for

House Bill 4311

By Delegates Holstein, Bridges, Pritt, Kimble, Pack, Summers, Tully, Conley, G. Ward, Barnhart, and Keaton

[Passed March 11, 2022; in effect ninety days from passage.]

AN ACT to amend and reenact §3-9-17 of the Code of West Virginia, 1931, as amended, relating to unlawfully voting generally; creating certain crimes of illegal voting and deceiving voters; prohibiting knowingly and willfully voting or attempting to vote multiple times in the same or equivalent elections as a felony offense and establishing penalties therefor; prohibiting voting or attempting to vote when not entitled to do so as a felony offense and establishing penalties therefor; prohibiting knowingly and willfully procuring or assisting in procuring the acceptance of illegal votes or rejection of legal votes as a felony offense and establishing penalties therefor; and prohibiting knowing and willfully altering ballots or defrauding voters as a felony offense and establishing penalties therefor.

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

ARTICLE 7. CONTESTED ELECTIONS.

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

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

(b) Any person who knowingly and willfully votes or attempts to vote when the person knows he or she is not legally entitled to do so; or procures or assists in procuring an illegal vote to be admitted, or received, at an election, knowing the same to be illegal; or causes or assists in causing a legal vote to be rejected, knowing the same to be legal, is guilty of a felony and, on conviction thereof, shall be imprisoned for not less than one year but not more than 10 years, or fined not more than $10,000, or both, in the discretion of the court.

(c) Any person who knowingly and willfully, with intent to deceive, alters the ballot of a voter by marking out the name of any person for whom such voter desires to vote; or, with like intent, writes the name of any person on such ballot other than those directed by the voter; or with like intent, makes any alteration thereof, whether such ballot be voted or not; or defrauds any voter at any election, by deceiving and causing him or her to vote for a different person for any office than he or she intended or desired to vote for, is guilty of a felony and, on conviction thereof, shall be imprisoned for not less than one year but not more than 10 years, or fined not more than $10,000, or both, in the discretion of the court.

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

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 *Chairman, House Committee*

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 *Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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 *Clerk of the House of Delegates*

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 *Clerk of the Senate*

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 *Speaker of the House of Delegates*

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 *President of the Senate*

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 The within ................................................... this the...........................................

day of ..........................................................................................................., 2022.

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 *Governor*