

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 4311

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 knowingly and willfully voting more than once in any election, whether held in West Virginia
3 or between West Virginia and another state, and making such violations a felony offense;
4 making it a felony offense to vote or attempt to vote when not legally entitled to do so;
5 making it a felony offense to procure or attempt to procure the acceptance of illegal votes
6 or the rejection of legal votes; and making it a felony offense to alter ballots, or deceive
7 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 knowingly and willfully votes or attempts to vote more than once at
2 the same election held in this state; in more than one county in this state at the same or equivalent
3 election; or, in this state and another state or territory at the same or equivalent election,
4 irrespective of different offices, questions, or candidates on the ballot, shall be guilty of a felony
5 and, on conviction thereof, shall be imprisoned for not less than one year but not more than ten
6 years, or fined not more than \$10,000, or both, in the discretion of the court.

7 (b) If any person knowingly and willfully

8 (1) votes;

9 (2) attempts to vote, when not legally entitled; ~~or votes more than once in the same~~
10 ~~election; or knowingly votes or attempts to vote more than one ballot for the same office, or on~~
11 ~~the same question or~~

12 (3) procures, or assists in procuring, either

13 (A) an illegal vote to be admitted, or received, at an election, knowing the same to be
14 illegal; or

15 (B) a legal vote to be rejected, knowing the same to be legal;

16 then that person shall be guilty of a felony and, on conviction thereof, shall be imprisoned
17 for not less than one year but not more than ten years, or fined not more than \$10,000, or both,
18 in the discretion of the court.

19 (c) or, If any person, knowingly and willfully, with intent to deceive, alters the ballot of a
20 voter by marking out the name of any person for whom such voter desires to vote; or, with like
21 intent, writes the name of any person on such ballot other than those directed by the voter; or with
22 like intent, makes any alteration thereof, whether such ballot be voted or not; or defrauds any
23 voter at any election, by deceiving and causing him to vote for a different person for any office
24 than he intended or desired to vote for, ~~he shall be guilty of a misdemeanor, and, on conviction~~
25 ~~thereof, shall for each offense be fined not more than \$1,000 or confined in the county jail for not~~
26 ~~more than one year, or both, in the discretion of the court~~ shall be guilty of a felony and, on
27 conviction thereof, shall be imprisoned for not less than one year but not more than ten years, or
28 fined not more than \$10,000, 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.