

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2328

FISCAL
NOTE

By Delegate C. Pritt

[Introduced January 11, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-1-14 of the Code of West Virginia, 1931, as amended, relating to
 2 prohibit presidential electors from voting for the presidential and vice presidential party that
 3 did not win the majority of votes; and creating a felony offense and penalty for violation of
 4 this provision.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-14. Presidential electors; how chosen; duties; vacancies; compensation.

1 (a) Electors of president and vice president of the United States shall be nominated as
 2 provided in §3-5-21 of this code but their names shall be omitted from the general election ballot,
 3 as provided in §3-6-2 of this code, to be voted on the Tuesday next after the first Monday in
 4 November 1964, and every fourth year thereafter.

5 (b) The presidential electors shall meet in the office of the Governor at the capital of this
 6 state, on the day now appointed, or which shall hereafter be appointed, by the Congress of the
 7 United States and vote for the president and for the vice president of the United States in the
 8 manner prescribed by the Constitution and the laws of the United States. If any of the electors so
 9 chosen fail to attend at the time appointed, the electors present shall appoint an elector in place of
 10 each one so failing to attend, and every elector so appointed shall be entitled to vote in the same
 11 manner as if he or she had been originally chosen by the people.

12 (c) Each presidential elector shall receive as compensation the sum of \$10 a day for
 13 attending such meeting, including the time spent in traveling to and from the place of meeting and
 14 in addition thereto the sum of 10 cents for every mile necessarily traveled in going to and returning
 15 from the place of meeting, by the most direct route.

16 (d) The presidential electors may only vote for the presidential and vice presidential party
 17 with the majority of votes. Any presidential elector who votes for the presidential and vice
 18 presidential party that did not receive the majority of votes is guilty of a felony and, upon conviction
 19 thereof, shall be imprisoned in a state correctional facility for not less than one year nor more than

20 five years and fined \$10,000.

NOTE: The purpose of this bill is to prohibit presidential electors from voting for the presidential and vice presidential party that did not win the majority of votes and creating a felony offense and penalty for violation.

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