

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4805

By Delegates Kump, Horst, C. Pritt, Ward, Ridenour,
Hite, Petitto, Kimble, Marple, Thorne, and Chiarelli

[Introduced January 16, 2024; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §3-1D-1, §3-1D-2, and §3-1D-3, all relating to creating a division of election
 3 crimes and security within the Secretary of State and to give the Secretary of State the
 4 authority to recommend prosecution to the appropriate jurisdiction.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1D. DIVISION OF ELECTION CRIMES AND SECURITY.

§3-1D-1. Establishing a Division of Election Crimes and Security in Secretary of State's Office.

1 (a) There is hereby created within the Office of the West Virginia Secretary of State a
 2 Division of Election Crimes and Security.

3 (b) The Division of Election Crimes and Security shall be authorized to investigate
 4 allegations and suspicions of election crimes and violations, security issues, potential for security
 5 breaches, and campaign violations.

6 (c) The staffing for the Division of Election Crimes and Security shall be left to the
 7 discretion of the Secretary of State.

§3-1D-2. Authority to recommend prosecution.

1 Upon completion of any investigation in which the Secretary of State's Division of Election
 2 Crimes and Security deems appropriate, and upon the approval of the Secretary of State, the
 3 Division of Election Crimes and Security shall recommend to the appropriate prosecuting
 4 attorney's office at the state or federal level the prosecution of the parties against whom the
 5 Division of Election Crimes and Security has found evidence of election crimes or violations or
 6 security breaches.

§3-1D-3. Cooperation with law enforcement.

1 (a) All investigations will remain confidential until such time as a determination to refer to
 2 law enforcement or prosecution or the investigation indicates no crimes, violations, or breaches
 3 were found to have been committed: *Provided:* That the Division of Election Crimes and Security

- 4 will cooperate with law enforcement and prosecutors at both the state and federal level as
5 necessary to facilitate the needs of those agencies, as requested.
- 6 (b) The Division of Election Crimes and Security will cooperate with state and federal
7 prosecutors and law enforcement in any investigations and prosecutions as necessary.

NOTE: The purpose of this bill is to create a division of election crimes and security within the office of the Secretary of State and give the Secretary of State the authority to recommend prosecution to the appropriate judicial jurisdiction.

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