

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 630

BY SENATORS WOELFEL AND HAMILTON

[Originating in the Committee on the Judiciary;

reported on February 16, 2024]

1 A BILL to amend and reenact §3-9-10 of the Code of West Virginia, 1931, as amended, relating
2 to criminal offenses of preventing or obstructing election activities; specifying that listed
3 offenses may be committed by force, or by intimidating language, or physical acts;
4 establishing offense of preventing or attempting to prevent election officer, election worker,
5 or other person assisting in holding election, counting votes, or certifying and returning
6 election results from discharging duties; establishing offense of preventing or attempting
7 to prevent election being held; establishing offense of obstructing or attempting to obstruct
8 holding of election; establishing offense of preventing or attempting to prevent voter from
9 attending election or freely exercising right of suffrage; establishing offense of preventing
10 or attempting to prevent election official or election worker from entering or exiting polling
11 place; establishing criminal penalties for listed offenses; and eliminating offense of refusal
12 to assist in preventing intimidation, disorder, or violence at poll.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. OFFENSES AND PENALTIES.

§3-9-10. ~~Disorder at polls; prevention; failure to assist in preventing disorder~~ Preventing or obstructing election activities; penalties.

1 Any person who shall, ~~by force, menace, fraud, or intimidation, prevent or attempt by force,~~
2 or by intimidating language, or physical acts:

3 (1) Prevents, or attempts to prevent, any an election officer, election worker, or other
4 person whose duty it is by law to assist in holding an election, or in counting the votes cast thereat
5 at the election, and or certifying and returning the result thereof of the election, from discharging
6 his or her duties; ~~according to law; or who shall, by violence, threatening gestures, speeches,~~
7 ~~force, menace, or intimidation, prevent or attempt~~

8 (2) Prevents, or attempts to prevent, an election being held; or who shall in any manner
9 obstruct or attempt

10 ~~(3) Obstructs, or attempts to obstruct, the holding of an election; or who shall, by any~~
11 ~~manner of force, fraud, menace, or intimidation, prevent or attempt~~

12 (4) Prevents, or attempts to prevent, any a voter from attending any an election or from
13 freely exercising his the voter's right of suffrage at any an election at which he or she is entitled
14 to vote; or

15 (5) Prevents, or attempts to prevent, an election officer or election worker from entering or
16 exiting a polling place; shall be is guilty of a misdemeanor and, upon conviction, shall be fined not
17 more than \$1,000 \$2,000, or confined in the county jail for not more than one year, or both fined
18 and confined. in the discretion of the court.

19 ~~Any person who, being thereto commanded by the commissioners of election, or either of~~
20 ~~them, shall fail or refuse to assist to the utmost of his power, in whatever may be necessary or~~
21 ~~proper to prevent intimidation, disorder, or violence at the polls, shall be guilty of a misdemeanor,~~
22 ~~and, upon conviction thereof, shall be fined not less than ten nor more than \$100.~~