

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.]

FILED

2022 MAR 30 P 4: 59

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

HB4311

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.]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2022 MAR 30 P 11:59

FILED

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

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, knowing the same to be
5 illegal, is guilty of a felony and, on conviction thereof, shall be imprisoned for not less than one
6 year but not more than 10 years, or fined not more than \$10,000, or both, in the discretion of the
7 court.

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

14 (c) Any person who knowingly and willfully, with intent to deceive, alters the ballot of a
15 voter by marking out the name of any person for whom such voter desires to vote; or, with like
16 intent, writes the name of any person on such ballot other than those directed by the voter; or with
17 like intent, makes any alteration thereof, whether such ballot be voted or not; or defrauds any
18 voter at any election, by deceiving and causing him or her to vote for a different person for any
19 office than he or she intended or desired to vote for, is guilty of a felony and, on conviction thereof,
20 shall be imprisoned for not less than one year but not more than 10 years, or fined not more than
21 \$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.

Dean Jeffery
.....
Chairman, House Committee

Paul Rayford
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harrison
.....
Clerk of the House of Delegates

Jae Linn
.....
Clerk of the Senate

Ken Harlow
.....
Speaker of the House of Delegates

Cybele
.....
President of the Senate

2022 MAR 30 P 4: 59
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

The within *is approved* this the *30th*
day of *March* 2022.

James Owens
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 17 2022

Time 3:10 p.m.