

COMMITTEE SUBSTITUTE

FOR

**H. B. 2157**

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(BY DELEGATE LANE)

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(Originating in the House Committee on the Judiciary)

[February 11, 2015]

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A BILL to amend and reenact §3-9-19 of the Code of West Virginia, 1931, as amended, relating to establishing that fraud associated with absent voters' ballots is a felony; and establishing the penalties for fraud associated with absent voters' ballots.

*Be it enacted by the Legislature of West Virginia:*

That §3-9-19 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

**ARTICLE 9. OFFENSES AND PENALTIES.**

**§3-9-19. Violations concerning absent voters' ballots; penalties.**

- 1     (a) Any person who, with the intent to commit fraud,
- 2     obtains, removes, or disseminates an absent voters' ballot,

3 intimidates an absent voter, or completes or alters an absent  
4 voters' ballot, is guilty of a felony and, upon conviction thereof,  
5 shall be fined not less than \$10,000 nor more than \$20,000,  
6 imprisoned in a state correctional facility for not less than one  
7 nor more than five years, or both fined and imprisoned.

8 (b) Notwithstanding subsection (a) of this section, ~~A~~any  
9 person who, having procured an absent voter's official ballot or  
10 ballots, shall wilfully neglect or refuse to return the same as  
11 provided in article three of this chapter, or who shall otherwise  
12 wilfully violate any of the provisions of said article three of this  
13 chapter, shall be guilty of a misdemeanor, and, on conviction  
14 thereof, shall be fined not more than two hundred and fifty  
15 dollars, or confined in the county jail for not more than three  
16 months. If the clerk of the circuit court of any county, or any  
17 member of the board of ballot commissioners, or any member of  
18 the board of canvassers shall refuse or neglect to perform any of  
19 the duties required of him by any of the provisions of articles  
20 three, five and six of this chapter relating to voting by absentees  
21 or shall disclose to any other person or persons how any absent  
22 voter voted, he shall, in each instance, be guilty of a

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23 misdemeanor, and, upon conviction thereof, shall be fined not  
24 more than five hundred dollars, or confined in the county jail for  
25 not more than six months.

