

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4587

(BY DELEGATES MOFFATT AND MILLER)

[Passed March 10, 2016; in effect ninety days from passage.]

1 AN ACT to amend and reenact §3-9-19 of the Code of West Virginia, 1931, as amended, relating
2 to violations associated with absent voters' ballots; changing reference of clerk of circuit
3 court to clerk of county commission; making clerk of county commission guilty of
4 misdemeanor if he or she refuses or neglects to perform duties required by him or her
5 related to voting by absentees; making clerk of county commission guilty of misdemeanor
6 if he or she discloses to any other person or persons how any absent voter voted; changing
7 gender references; and making other technical and grammatical changes relating to the
8 language in the misdemeanor provisions of this section.

Be it enacted by the Legislature of West Virginia:

1 That §3-9-19 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 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, obtains, removes, or disseminates an
2 absent voter's ballot, intimidates an absent voter, or completes or alters an absent voter's ballot,
3 is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more
4 than \$20,000, imprisoned in a state correctional facility for not less than one nor more than five
5 years, or both fined and imprisoned.

6 (b) Notwithstanding subsection (a) of this section, any person who, having procured an
7 absent voter's official ballot or ballots, shall willfully neglect or refuse to return the same as
8 provided in article three of this chapter, or who shall otherwise willfully violate any of the provisions
9 of said article three of this chapter, is guilty of a misdemeanor and, on conviction thereof, shall be
10 fined not more than \$250, or confined in jail for not more than three months. If the clerk of the
11 county commission of any county, or any member of the board of ballot commissioners, or any
12 member of the board of canvassers refuses or neglects to perform any of the duties required of
13 him or her by any of the provisions of articles three, five and six of this chapter relating to voting

14 by absentees or discloses to any other person or persons how any absent voter voted, he or she
15 shall, in each instance, be guilty of a misdemeanor and, upon conviction thereof, shall be fined
16 not more than \$500, or confined in jail for not more than six months.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2016.

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Governor