

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4587**

BY DELEGATE MOFFATT AND MILLER

[Introduced February 17, 2016; Referred  
to the Committee on Political Subdivisions then the  
Judiciary.]

1 A BILL 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; providing cleanup language by  
 3 changing reference of circuit clerk to clerk of county commission; changing gender  
 4 references and making other changes relating to the language in the misdemeanor  
 5 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 voters= ballot, intimidates an absent voter, or completes or alters an absent voters= 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 wilfully neglect or refuse to return the same as  
 8 provided in article three of this chapter, or who shall otherwise wilfully violate any of the provisions  
 9 of said article three of this chapter, ~~shall be~~ is guilty of a misdemeanor and, on conviction thereof,  
 10 shall be fined not more than \$250, or confined in ~~the county~~ jail for not more than three months.  
 11 If the clerk of the ~~circuit court~~ county commission of any county, or any member of the board of  
 12 ballot commissioners, or any member of the board of canvassers ~~shall~~ refuses or neglects to  
 13 perform any of the duties required of him or her by any of the provisions of articles three, five and  
 14 six of this chapter relating to voting by absentees or ~~shall~~ discloses to any other person or persons  
 15 how any absent voter voted, ~~he shall~~ the clerk, in each instance, ~~be~~ is guilty of a misdemeanor

- 16 and, upon conviction thereof, shall be fined not more than \$500, or confined in ~~the county~~ jail for  
17 not more than six months.

NOTE: The purpose of this bill is to provide cleanup language in statute dealing violations associated with absent voters' ballots. The bill changes the reference of circuit clerk to clerk of county commission, changes gender references and makes other changes relating to the language in the misdemeanor provisions of this section.

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