

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2364**

BY DELEGATES HAMILTON, AMBLER, A. EVANS,

STATLER, R. ROMINE, HICKS, RODIGHEIRO,

HAMRICK, ELDRIDGE, LYNCH AND FRICH

[Introduced February 13, 2017; Referred

to the Committee on the Judiciary.]

1 A BILL to amend and reenact §3-9-9 of the Code of West Virginia, 1931, as amended, relating to  
 2 prohibiting electioneering within or near early voting locations during early voting periods  
 3 and making stylistic changes to outdated language.

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

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

**ARTICLE 9. OFFENSES AND PENALTIES.**

**§3-9-9. Other unlawful acts at polling places; penalties.**

1 No officer of election may disclose to any person the name of any candidate for whom a  
 2 voter has voted. No officer of election may do any electioneering on election day. No person may  
 3 do any electioneering on election day within any polling place, or within three hundred feet of the  
 4 outside entrance to the building housing the polling place, or do any electioneering in or within  
 5 three hundred feet of any polling place or other place where early voting may be conducted during  
 6 the period in which early voting is offered. No person may apply for or receive any ballot in any  
 7 polling place, other than that in which ~~he~~ the person is entitled to vote, nor may any person  
 8 examine a ballot which any voter has prepared for voting, or solicit the voter to show the same,  
 9 nor ask, nor make any arrangement, directly or indirectly, with any voter, to vote an open ballot.  
 10 No person, except a commissioner of election, may receive from any voter a ballot prepared by  
 11 him or her for voting. No voter may receive a ballot from any person other than one of the poll  
 12 clerks; nor may any person other than a poll clerk deliver a ballot to a commissioner of election to  
 13 be voted by such commissioner. No voter may deliver any ballot to a commissioner of election to  
 14 be voted, except the one he or she receives from the poll clerk. No voter may place any mark  
 15 upon his or her ballot, or suffer or permit any other person to do so, by which it may be afterward  
 16 identified as the ballot voted by him or her. Whoever violates any provision of this section shall be  
 17 guilty of a misdemeanor and, on conviction thereof, shall be fined not less than \$100 nor more  
 18 than \$1,000, or confined in jail for not more than one year, or both fined and confined.

NOTE: The purpose of this bill is to prohibit electioneering during early voting periods in and around early voting locations to the same extent as is currently prohibited at polling places on election day.

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