WEST virginia legislature

2022 Regular session

ENGROSSED

House Bill 4299

By Delegates Holstein, Horst, Sypolt, Hanna, Linville, Wamsley, Keaton, Kimble, Pack, Summers, and Tully

[Introduced January 20, 2022; referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-21, relating to prohibiting certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election; and creating a misdemeanor crime of certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election and establishing penalties thereto.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. OFFENSES AND PENALTIES.

§3-9-21. Improper interference with voters’ travel to and from the polls; penalties.

(a) During the hours that polls are open for in-person voting in an election, no person may obstruct or interfere with a voter with the intention to delay, hinder, interrupt, harass, or intimidate a voter traveling to or from the polls: *Provided,* That properly conducted exit polls, as provided by the Secretary of State’s administrative rules and electioneering activities, as defined in §3-9-9 of this Code, which do not obstruct or interfere with a voter traveling to or from the polls, are not prohibited by this section.

(b) Any person who violates the provisions of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $100 nor more than $1,000, or confined in jail not more than one year, or both fined and confined.

NOTE: The purpose of this bill is to prohibit certain intentional actions obstructing or interfering with a voter.

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