WEST virginia legislature

2022 Regular session

Introduced

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, 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.