

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4311

BY DELEGATES HOLSTEIN, BRIDGES, PRITT, KIMBLE,
PACK, SUMMERS, TULLY, CONLEY, G. WARD, BARNHART,
AND KEATON

[Passed March 11, 2022; in effect ninety days from passage.]

1 AN ACT to amend and reenact §3-9-17 of the Code of West Virginia, 1931, as amended, relating
2 to unlawfully voting generally; creating certain crimes of illegal voting and deceiving voters;
3 prohibiting knowingly and willfully voting or attempting to vote multiple times in the same
4 or equivalent elections as a felony offense and establishing penalties therefor; prohibiting
5 voting or attempting to vote when not entitled to do so as a felony offense and establishing
6 penalties therefor; prohibiting knowingly and willfully procuring or assisting in procuring
7 the acceptance of illegal votes or rejection of legal votes as a felony offense and
8 establishing penalties therefor; and prohibiting knowing and willfully altering ballots or
9 defrauding voters as a felony offense and establishing penalties therefor.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. CONTESTED ELECTIONS.

§3-9-17. Illegal voting; deceiving voters; penalties.

1 (a) Any person who knowingly and willfully votes or attempts to vote more than once at
2 the same election held in this state; in more than one county in this state at the same or equivalent
3 election; or, in this state and another state or territory at the same or equivalent election,
4 irrespective of different offices, questions, or candidates on the ballot, knowing the same to be
5 illegal, is guilty of a felony and, on conviction thereof, shall be imprisoned for not less than one
6 year but not more than 10 years, or fined not more than \$10,000, or both, in the discretion of the
7 court.

8 (b) Any person who knowingly and willfully votes or attempts to vote when the person
9 knows he or she is not legally entitled to do so; or procures or assists in procuring an illegal vote
10 to be admitted, or received, at an election, knowing the same to be illegal; or causes or assists in
11 causing a legal vote to be rejected, knowing the same to be legal, is guilty of a felony and, on
12 conviction thereof, shall be imprisoned for not less than one year but not more than 10 years, or
13 fined not more than \$10,000, or both, in the discretion of the court.

14 (c) Any person who knowingly and willfully, with intent to deceive, alters the ballot of a
15 voter by marking out the name of any person for whom such voter desires to vote; or, with like
16 intent, writes the name of any person on such ballot other than those directed by the voter; or with
17 like intent, makes any alteration thereof, whether such ballot be voted or not; or defrauds any
18 voter at any election, by deceiving and causing him or her to vote for a different person for any
19 office than he or she intended or desired to vote for, is guilty of a felony and, on conviction thereof,
20 shall be imprisoned for not less than one year but not more than 10 years, or fined not more than
21 \$10,000, or both, in the discretion of the court.

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, 2022.

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Governor