

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3469**

By Delegates Fluharty, Hornbuckle, Pushkin, E. Pritt,

Young, and Skaff

[Introduced February 14, 2023; Referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §6-5-5 of the Code of West Virginia, 1931, as amended, relating to  
 2 prohibiting persons convicted of a felony related to interfering with an election related  
 3 proceeding of the United States Congress from running for or election to a public office.

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

**ARTICLE 5. TERMS OF OFFICE; MATTERS AFFECTING THE RIGHT TO HOLD OFFICE.**

**§6-5-5. Disqualification by conviction of treason, felony, or bribery; or interfering with election.**

1 (a) No person convicted of treason, felony, or bribery in any election, before any court in or  
 2 out of this state, shall may, while such conviction remains unreversed, be elected or appointed to  
 3 any office under the laws of this state; and, if any person, while holding such office, be so  
 4 convicted, the office shall be thereby vacated.

5 (b) The Legislature finds that preservation of the institutions associated with free elections  
 6 within the United States of America is of critical and absolute importance for the preservation of  
 7 our republic and is of such a compelling state interest that persons who have disrupted or  
 8 attempted to disrupt and deny this basic tenant of our democratic institutions are unfit to hold  
 9 public office and have forfeited their right to be a candidate for or be elected to any public office.  
 10 Therefore, any person in an attempt to prevent the lawful actions by the United States Congress, if  
 11 found guilty of a felony related to the obstruction, impediment, or interference of any government  
 12 officer or official engaged in the lawful performance of his or her official duties incident to and  
 13 during a civil disorder which in any way obstructed, delayed, or adversely affected the  
 14 performance of a federally protected function related to an election, is prohibited from running for,  
 15 or election to, any public office in this state.

NOTE: The purpose of this bill is to prevent those persons who have attempted to prevent any free election from running for and holding any elective office.

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