WEST virginia legislature

2024 regular session

Committee Substitute

for

Senate Bill 630

By Senators Woelfel and Hamilton

[Originating in the Committee on the Judiciary; reported on February 16, 2024]

A BILL to amend and reenact §3-9-10 of the Code of West Virginia, 1931, as amended, relating to criminal offenses of preventing or obstructing election activities; specifying that listed offenses may be committed by force, or by intimidating language, or physical acts; establishing offense of preventing or attempting to prevent election officer, election worker, or other person assisting in holding election, counting votes, or certifying and returning election results from discharging duties; establishing offense of preventing or attempting to prevent election being held; establishing offense of obstructing or attempting to obstruct holding of election; establishing offense of preventing or attempting to prevent voter from attending election or freely exercising right of suffrage; establishing offense of preventing or attempting to prevent election official or election worker from entering or exiting polling place; establishing criminal penalties for listed offenses; and eliminating offense of refusal to assist in preventing intimidation, disorder, or violence at poll.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. OFFENSES AND PENALTIES.

§3-9-10. ~~Disorder at polls; prevention; failure to assist in preventing disorder~~ Preventing or obstructing election activities; penalties.

Any person who ~~shall, by force, menace, fraud, or intimidation, prevent or attempt~~ by force, or by intimidating language, or physical acts:

(1) Prevents, or attempts to prevent, ~~any~~ an election officer, election worker, or other person whose duty it is by law to assist in holding an election, ~~or in~~ counting the votes cast ~~thereat~~ at the election, ~~and~~ or certifying and returning the result ~~thereof~~ of the election, from discharging his or her duties; ~~according to law; or who shall, by~~ ~~violence, threatening gestures, speeches, force, menace, or intimidation,~~ ~~prevent or attempt~~

(2) Prevents, or attempts to prevent, an election being held; ~~or who shall in any manner obstruct or attempt~~

(3) Obstructs, or attempts to obstruct, the holding of an election; ~~or who shall, by any manner of force, fraud, menace, or intimidation, prevent or attempt~~

(4) Prevents, or attempts to prevent, ~~any~~ a voter from attending ~~any~~ an election or from freely exercising ~~his~~ the voters right of suffrage at ~~any~~ an election at which he or she is entitled to vote; or

(5) Prevents, or attempts to prevent, an election officer or election worker from entering or exiting a polling place; ~~shall be~~ is guilty of a misdemeanor and, upon conviction, shall be fined not more than ~~$1,000~~ $2,000, or confined in ~~the county~~ jail for not more than one year, or both fined and confined. ~~in the discretion of the court~~.

~~Any person who, being thereto commanded by the commissioners of election, or either of them, shall fail or refuse to assist to the utmost of his power, in whatever may be necessary or proper to prevent intimidation, disorder, or violence at the polls, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than $100.~~