

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 3017

By Delegates Moore, Akers, Jeffries, Rohrbach, B.

Smith, Street, Holstein, Lucas, and Funkhouser

[Originating in the Committee on the Judiciary;

Reported on March 10, 2025]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §3-4A-13a, relating to electronic voting systems; requiring county commission
3 inspections and secretary of state audits of ballot tabulation equipment to ensure
4 compliance with state law prohibition against any connectivity to the internet; requiring
5 reports of the inspections and audits; and providing for monitoring of future threats.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-13a. Inspection of precinct tabulating equipment; reports by county commissions;

pre-election audit by the Secretary of State.

1 (a) By no later than one week prior to the start of the in-person voting period as provided in
2 §3-3-3 of this code, the county commission of each county shall inspect all precinct tabulating
3 equipment in accordance with the requirements of §3-4A-9(15) of this code, to ensure all
4 tabulating equipment utilized in any election is independent, nonnetworked, and any component
5 thereof, in whole or in part, shall not at any time connect to the internet.

6 (b) The county commission shall submit a report of its findings to the Secretary of State on
7 the day of the conclusion of the inspection, which shall include the following:

8 (1) Verification that a modem is not installed in each tabulator, accompanied by any
9 available reports produced by each tabulator confirming the findings;

10 (2) Verification that a sim card is not installed in each tabulator, accompanied by any
11 available reports produced by each tabulator confirming the findings;

12 (3) Verification that each tabulator was sealed for the election immediately after the
13 inspection;

14 (4) A narrative of the actions, if any, the county commission will take to mitigate any errors
15 or anomalies identified prior using any noncompliant tabulating equipment in any election; and

16 (5) The signature of the county commissioners present and conducting the inspection.

17 (c) Any tabulation equipment found noncompliant with state law shall not be used in any

election until the Secretary of State has confirmed its compliance with state law.

(d) By no later than 14 days prior to election day, the Secretary of State shall conduct a pre-election audit of a minimum of 10 percent of the precinct tabulating equipment in a minimum of five counties, chosen at random by the Secretary, to ensure compliance with § 3-4A-9(15) of this code. Upon completion of the audit, the Secretary of State shall prepare a report of its findings, which shall be open for public inspection, with the following information:

(1) Verification that a modem is not installed in each tabulator audited, accompanied by any available reports produced by each tabulator confirming the findings;

(2) Verification that a sim card is not installed in each tabulator audited, accompanied by any available reports produced by each tabulator confirming the findings;

(3) Verification that each tabulator was sealed for the election immediately after the inspection;

(4) A narrative of the actions, if any, the county commission must take to mitigate any errors or anomalies identified prior using any noncompliant tabulating equipment in any election; and

(5) The signature of the Secretary of State or designee(s) present and conducting the inspection.

(e) In addition to the requirements in this article, the Secretary of State shall monitor advancements of technology and possible vulnerabilities related to voting equipment and advise the Joint Committee on Government and Finance of any emerging threats to the security of electronic voting equipment at least annually.

NOTE: The purpose of this bill is to ensure compliance with state law requiring ballot tabulating equipment to be not connected to the internet, and to require reports of the inspections and audits.

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