

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5236

By Delegates Moore, Dittman, Petitto, Pritt, Kimble,

Hite, Phillips, Campbell, and Drennan

[Introduced February 05, 2026; referred to the

Committee on the Judiciary]

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; and requiring
5 reports of the inspections and audits.

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

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to ensure compliance with state law requiring ballot tabulating equipment to not be connected to the internet, by requiring random inspections by the Secretary of State, including all necessary reporting.

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