

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 126**

By Senator Woelfel

[Introduced January 14, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-9-10 of the Code of West Virginia, 1931, as amended, relating to  
2 criminal offenses of preventing or obstructing election activities; specifying that listed  
3 offenses may be committed by force, or by intimidating language, or physical acts;  
4 establishing offense of preventing or attempting to prevent election officer, election worker,  
5 or other person assisting in holding election, counting votes, or certifying and returning  
6 election results from discharging duties; establishing offense of preventing or attempting to  
7 prevent election being held; establishing offense of obstructing or attempting to obstruct  
8 holding of election; establishing offense of preventing or attempting to prevent a voter from  
9 attending election or freely exercising right of suffrage; establishing offense of preventing  
10 or attempting to prevent election official or election worker from entering or exiting polling  
11 place; establishing criminal penalties for listed offenses; and eliminating offense of refusal  
12 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.

1 Any person who shall, by force, menace, fraud, or intimidation, prevent or attempt by force,  
2 or by intimidating language, or physical acts:  
3 (1) Prevents, or attempts to prevent, any an election officer, election worker, or other  
4 person whose duty it is by law to assist in holding an election, or in counting the votes cast thereat  
5 at the election, and or certifying and returning the result thereof of the election, from discharging  
6 his or her duties; according to law; or who shall, by violence, threatening gestures, speeches,  
7 force, menace, or intimidation, prevent or attempt  
8 (2) Prevents, or attempts to prevent, an election being held; or who shall in any manner  
9 obstruct or attempt  
10 (3) Obstructs, or attempts to obstruct, the holding of an election; or who shall, by any

11 ~~manner of force, fraud, menace, or intimidation, prevent or attempt~~

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

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

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

NOTE: The purpose of this bill is to clarify acts that constitute the offenses of obstruction or prevention of election activities and to establish the criminal penalties for those acts.

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