

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4164**

By Delegates T. Howell, Brooks, Browning, Clay,  
Coop-Gonzalez, Ferrell, Foggin, Holstein, Kimble, B.  
Smith, and White

[Introduced January 14, 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-26a, relating to establishing a mandate, in conjunction with the use of  
3 electronic voting machines for elections, that poll workers manually count physical ballots  
4 at each precinct at the close of the election.

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

**ARTICLE                    4A.                    ELECTRONIC                    VOTING                    SYSTEMS.**

**§3-4A-26a. Vote recording and tabulation; ensuring elections remain in the hands of the people.**

1        (a) Use of Electronic Voting Machines - All elections conducted in the state of West Virginia  
2        shall utilize electronic voting machines approved in accordance with §3-4A-8 of this code. Voters  
3        shall cast their votes electronically in a manner that ensures accuracy, security, and accessibility  
4        while maintaining the integrity of the election process.

5        (b) Precinct-Level Ballot Tabulation by Poll Workers - At the close of voting on election day,  
6        designated poll workers at each precinct shall manually count and record the votes cast within that  
7        precinct. The count shall be conducted using a printed audit trail generated by the electronic voting  
8        machines. Poll workers shall reconcile the manual count with the electronic vote tally to ensure  
9        accuracy and detect any discrepancies.

10        (c) Transparency and Security Measures - The manual counting process shall be  
11        conducted in the presence of election officials, poll workers, and authorized observers  
12        representing political parties or officially-designated representatives, as permitted by state  
13        election laws. The results from each precinct shall be transported to the county election office  
14        immediately following the completion of the count.

15        (d) Storage and Preservation of Election Records - All ballots, audit trails, and manual  
16        count records shall be securely stored in compliance with state election retention policies and shall  
17        be available for audit or recount as provided in §3-6-9 of this code.

18        (e) Implementation and Training - The Secretary of State shall develop and implement

19 necessary training programs for election officials, poll workers, and designated election staff to  
20 ensure proper manual counting procedures, election security, and compliance with state laws.

21 (f) Severability - If any provision of this section is found to be invalid or unenforceable, the  
22 remaining provisions shall continue in full force and effect.

NOTE: The purpose of this bill is to mandate, in conjunction with the use of electronic voting machines for elections, that poll workers manually count physical ballots at each precinct at the close of the election.

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