E N R O L L E D

COMMITTEE SUBSTITUTE

for

H. B. 2157

(BY DELEGATE LANE)

[Passed March 3, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §3-9-19 of the Code of West Virginia, 1931, as amended, relating to establishing that fraud associated with absent voters' ballots is a felony; and establishing the penalties for fraud associated with absent voters' ballots.

Be it enacted by the Legislature of West Virginia:

That §3-9-19 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

ARTICLE 9. OFFENSES AND PENALTIES.

§3-9-19. Violations concerning absent voters' ballots; penalties.

(a) Any person who, with the intent to commit fraud, obtains, removes, or disseminates an absent voters' ballot, intimidates an absent voter, or completes or alters an absent voters' ballot, is guilty of a felony and, upon conviction thereof, shall be fined not less than $10,000 nor more than $20,000, imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(b) Notwithstanding subsection (a) of this section, any person who, having procured an absent voter's official ballot or ballots, shall wilfully neglect or refuse to return the same as provided in article three of this chapter, or who shall otherwise wilfully violate any of the provisions of said article three of this chapter, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than two hundred and fifty dollars, or confined in the county jail for not more than three months. If the clerk of the circuit court of any county, or any member of the board of ballot commissioners, or any member of the board of canvassers shall refuse or neglect to perform any of the duties required of him by any of the provisions of articles three, five and six of this chapter relating to voting by absentees or shall disclose to any other person or persons how any absent voter voted, he shall, in each instance, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, or confined in the county jail for not more than six months.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

_____
Chairman, House Committee

_____
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

_____
Clerk of the House of Delegates

_____
Clerk of the Senate

_____
Speaker of the House of Delegates

_____
President of the Senate

_____

The within _____ this the _____

day of _____, 2015.

_____
Governor