

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 38

[Introduced January 11, 2023; referred to
the Committee on the Judiciary]

1 A BILL to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to
 2 voting rights of formerly incarcerated individuals; and restoring suffrage for a person
 3 incarcerated for a felony conviction upon release.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. VOTING BY ABSENTEES.

§3-2-2. Eligibility to register to vote.

1 (a) Any person who possesses the constitutional qualifications for voting may register to
 2 vote. To be qualified, a person must be a citizen of the United States and a legal resident of West
 3 Virginia and of the county where he or she is applying to register, shall be at least 18 years of age,
 4 except that a person who is at least 17 years of age and who will be 18 years of age by the time of
 5 the next ensuing general election may also be permitted to register, and shall not be otherwise
 6 legally disqualified: *Provided*, That a registered voter who has not reached 18 years of age may
 7 vote both partisan and nonpartisan ballots in a federal, state, county, municipal, or special primary
 8 election if he or she will be 18 years of age by the time of the corresponding general election.

9 (b) Any person who has been convicted of a felony, treason, or bribery in an election, under
 10 either state or federal law, is disqualified and is not eligible to register or to continue to be
 11 registered to vote while serving his or her a sentence including any period of incarceration.
 12 ~~probation or parole related thereto~~ A person's right to register to vote is automatically restored
 13 upon his or her release from incarceration for such felony conviction, whether or not the person is
 14 on probation, parole, or supervised release. Any person who has been declared mentally
 15 incompetent by a court of competent jurisdiction is disqualified and shall not be eligible to register
 16 or to continue to be registered to vote for as long as that disability continues.